

United States  
Circuit Court of Appeals  
For the Ninth Circuit.

Apostles.

The British Ship "CELTIC CHIEF," Her Tackle, etc., and  
JOHN HENRY, Master and Claimant Thereof,  
Appellants,

vs.

INTER-ISLAND STEAM NAVIGATION COMPANY, LIM-  
ITED, an Hawaiian Corporation, Owner of the Steamers  
"HELENE," "MIKAHALA," "LIKELIKE," and  
"MAUNA KEA," for Itself, the Officers and Crews of  
Said Steamers and Other Servants of Said Owners,  
Appellee,

The British Ship "CELTIC CHIEF," Her Tackle, etc., and  
JOHN HENRY, Master and Claimant, Thereof,  
Appellants,

vs.

MILLER SALVAGE COMPANY, LIMITED, a Corporation,  
Appellee.

and

The British Ship "CELTIC CHIEF," Her Tackle, etc., and  
JOHN HENRY, Master and Claimant Thereof,  
Appellants,

vs.

MATSON NAVIGATION COMPANY, a California Corpora-  
tion, Owner of the Tug "INTREPID," for Itself and the  
Officers and Crew of Said Tug,  
Appellee.

VOLUME III.  
(Pages 833 to 1248, Inclusive.)

Filed

Upon Appeals from the United States District Court  
for the Territory of Hawaii.

F. D. Monckton,  
Clerk.



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(Testimony of Isaiah Bray.)

Q. Never had any difficulty in getting her off?

A. Yes, sometimes, quite a little.

Q. You would always use the anchor out astern?

A. Always.

Q. Applying your steam winch to the anchor-chain thus pulling her off?

A. Using the propeller all that we could when we could.

Q. How many times would you say this occurred to you? [1204—360]

A. Seven or eight times, I should think.

Q. And while you were master of the second "Morning Star" did this occur at any time—the same thing, the same experience?

A. That is the one I am speaking of now.

Q. I say the first "Morning Star"?

A. That was nothing but a sailing vessel.

Q. She had no auxiliary power? A. No.

Q. She was six or seven hundred tons?

A. She was smaller.

Q. How many tons? A. About three hundred.

Q. How many times did you go ashore?

A. I couldn't tell.

Q. About how many times?

A. I couldn't begin to tell you. We were working around those waters where every lagoon is full of coral reefs. That is asking a pretty difficult thing from me.

Q. You always got her off? A. Always.

Q. By means of an anchor? A. Always.

Q. How would you apply power?

A. Use whatever power we had.

(Testimony of Isaiah Bray.)

Q. What power did you have?

A. Tackles and windlass.

Q. Didn't have a steam winch?

A. No, capstan and windlass.

Q. And it was while you were master of the second "Morning Star" that you went aground seven or eight times?

A. I'm not pretending to tell you the exact number of times.

Q. What did you mean when you testified seven or eight times?     A. I meant as near as I know now.

Q. That's what you think it was?

A. Possibly. [1205—361]

Q. You can't say how many times you were aground with the first "Morning Star"?

A. If it was necessary I could tell definitely. I always kept an abstract log and I can tell definitely every occurrence in my sea experience.

Q. How many years is it now since you left the sea, going to sea?

A. Well, I am going to sea ever day now.

Q. Well, I mean deep-sea sailing.

A. I was about seven years superintendent of the Sailors' Home; I've been little over five years in the Quarantine. During that time I took this steamer "Lihua" over to San Francisco.

Q. Except for taking the "Lihua" over to San Francisco, you haven't been in deep sailing for the last twelve years?     A. No.

Q. But you say you are going to sea every day. That is, of course, when you are taking officers of the Quarantine Service to vessels in the harbor?

(Testimony of Isaiah Bray.)

A. Out to sea. It's out to sea.

Q. Do you mean that you go to sea outside the entrance of the harbor?

A. It's outside of the harbor, at sea.

Q. How far?

A. Sometimes we go a couple of miles out.

Q. In a launch? A. Yes.

Q. This launch you spoke of the other day?

A. Yes.

Q. How many tons is she?

A. Two or three tons.

Q. And that is the character of the sailing you have done during the last five years?

A. Some of the nastiest sailing I ever did in my life; most dangerous. [1206—362]

Q. Now, Captain, when you first saw the "Celtic Chief" on Monday morning there were no—according to your recollection there were no tugs or other vessels towing on her at all at that time?

A. May it please your Honor, I would like to make a little statement in regard to the coming up of this steamer. I've been looking over my log-books and talking with my engineer who was with me at the time, who agrees with me, but I haven't anything in the log-books stating the vessel coming up and going on the reef. Previous to her coming on that reef there was a similar occurrence, another vessel that came up in about the same way and I don't want to testify under oath that I am sure which was which, here, whatever. It is very possible that I may be getting the previous one mixed with the "Celtic Chief," but in talking the matter over with my engineer we both

(Testimony of Isaiah Bray.)

feel confident that it was the "Celtic Chief" that we saw come up and go ashore.

Q. What was this other vessel that you now refer to?

A. I think it was the "Corringa." I haven't had time to go back to my logs and ascertain the facts.

Q. How many years before the "Celtic Chief" went aground was it? A. I don't know.

Q. You mean—the "Corringa" is the name of the other vessel? A. I'm not sure of that even.

Q. There was another vessel that went ashore there? A. Yes, or very nearly the same place.

Q. How many years ago was that?

A. I don't know. [1207—363]

Q. Have you no idea?

A. It might have been one, two, or three years perhaps.

Q. Within the last five years?

A. I think so. I'm out there at the coming of every ship that comes into the port and it is very easy to get one mixed with the other.

Q. You've only been in the Quarantine Service for five years? A. Yes.

Q. And in that time you did observe a ship coming ashore as you have recalled? A. Yes.

Q. And if it was not the "Celtic Chief" it was the "Corringa"? A. Probably.

Q. Was it the "Corringa" or some other vessel?

A. I can't tell you; I've got to look up my logs.

Q. There was some other vessel went on the reef there? A. There was.

Q. And you think it was the "Corringa"?



(Testimony of Isaiah Bray.)

A. I think so, yes.

Q. I wish you would look your log-book up. I want to know what vessel it was that went ashore in the neighborhood where the "Celtic Chief" went aground and with which you may have been confusing the "Celtic Chief" when you testified the other day. Will you do that? A. Yes, I will.

Q. When you came out there to the "Celtic Chief" is it true that there were no steamers or tugs towing on the "Celtic Chief" at that time?

A. I told you that I couldn't tell you for sure.

Q. You don't know; have no recollection whatever?

A. I know the "Huki Huki" was out there. Whether—

Q. You have no recollection of any other steamers?

A. I have a recollection of all the steamers which were [1208—364] out there sooner or later.

Q. I know, but I say when you first came out there? A. I can't say for sure.

Q. You don't think there were any other steamers?

A. I don't think there was.

Q. Then this disturbance of the water that you testified to on direct examination, which, in your opinion, served to, had a tendency to cause the "Celtic Chief" to go farther aground, was observed by you on your second visit to the "Celtic Chief" a day or two later? A. Yes.

Q. There were then several steamers towing upon the "Celtic Chief"? A. Yes.

Q. Inter-Island steamers? A. Yes.

Q. Do you remember what day that was that you

(Testimony of Isaiah Bray.)

went out there? A. I can tell you.

Q. Please do so.

A. You mean the first time or second?

Q. Let's have the first time. What are these notes that you are referring to, Captain? A. My log.

Q. Your official log?

A. It's a book I scratch down things in and copy into the official log.

Q. It is what? A. It's my log slate.

Q. When you find the reference to the first visit you made to the "Celtic Chief," will you kindly show me the notes that you made, before testifying?

A. December 6. (Witness hands book to Mr. Olson.)

Mr. OLSON.—(To Counsel.) Do you want to look at this?

The WITNESS.—I prefer to keep this. If I am going to allow it to be read, then you must have the permission [1209—365] of the Chief Quarantine Officer.

The COURT.—You have no objection to Mr. Olson looking at that page.

A. As far as that is concerned that is all right.

Mr. WEAVER.—Is there anything in this of a personal nature?

A. Personal? No.

Mr. WARREN.—If the witness tells us that this is a book of original entry from which you make—

A. Yes, where I make a note and rub out anything and then put things in afterwards and then copy into the official log.

Mr. WARREN.—I have no objection to the wit-



(Testimony of Isaiah Bray.)

ness testifying from it, may it please the Court.

Mr. OLSON.—Q. Now, the first time that you went out to the “Celtic Chief,” refreshing your memory from your notes, Captain? What day was this when you first went out there?

A. December 6.

Q. And what did you find, what vessels did you find out there at the “Celtic Chief”?

A. Beside the “Celtic Chief”?

Q. Yes.

A. The steamship “Chiyo Maru” and the schooner “Churchill.”

Q. Those were outside of the harbor?

A. Outside. The latter was anchored.

Q. And you went over to the “Celtic Chief”?

A. We went to the “Chiyo Maru,” gave her par-tique, hence to the ship “Celtic Chief,” aground.

Q. You’ve made no note there, have you, Captain, of having seen the “Celtic Chief” go aground?  
[1210—366]

A. No; that’s what mixes me more than anything else.

Q. You have also a note, have you, Captain, that the “Mikahala,” the “Helene,” the “Iwalani,” the “Huki Huki”—no, the “Intrepid”—the “Huki Huki” and “Mokolii” were all pulling on the “Celtic Chief” that day. When was that entry made in that book? A. On that day.

Q. Now then, when was it that you saw those boats pulling on the “Celtic Chief”?

A. Sometime during that day.

Q. Where did you see them from?

(Testimony of Isaiah Bray.)

A. Quarantine wharf.

Q. How far was the Quarantine wharf from the "Celtic Chief"? A. Possibly a mile.

Q. From where she was, could you, were you able to determine which was the "Intrepid," the "Mikahala," the "Iwalani," and the "Huki Huki" that were pulling on that vessel on that day? Could you tell them a mile distant?

A. Could tell them anywhere I would see them.

Q. But you hadn't seen them prior to the time you had seen them from the Quarantine Wharf?

A. I hadn't seen them.

Q. The "Huki Huki" was the first off that day?

A. She was the first boat that I remember.

Q. Do you remember whether she was pulling on the "Celtic Chief"? A. She was pulling on her.

Q. All that day? A. Some part of it, I know.

Q. Well now, when was it then that you went out there again, Captain?

A. We went to her twice at that time. [1211—367]

Q. What's that?

A. According to my notes, we went to her twice at that time.

Q. On that same day?

A. We went to the "Chiyo Maru," gave her par-tique; went to the "Celtic Chief," aground and they were too busy to give any attention and we went back to the schooner, gave her pratique; then went back to the "Celtic Chief" and the doctor gave her pratique.

Q. That was that morning? A. That morning.

(Testimony of Isaiah Bray.)

Q. And as far as you remember, at that visit there were no vessels other than the "Huki Huki"?

A. The "Intrepid" was somewhere around.

Q. You remember that now?

A. I couldn't say whether she was coming out or already there.

Q. You remember that she was *coing* out?

A. We passed her.

Q. When was it that you observed this disturbance of the water that you said had a tendency to put the "Celtic Chief" farther aground, caused by the towing vessels' propellers? You are again referring to your notes, are you?

A. That was December 7.

Q. The next day? A. Yes.

Q. Will you kindly show me your notes on that?  
(Witness hands book to Mr. Olson.)

Q. Does this entry on Tuesday, December 7, on your book of notes show that you went out to the "Celtic Chief" that day, on the 7th?

A. No, we didn't go out to her at all.

Q. When was it that you went out there, that you noticed this disturbance?

A. I noticed it from the shore and I noticed it particularly on Wednesday, December 8, four-five P. M. To the "Celtic Chief" with Dr. James, Mr. ———, Mr. Gibson, Captain Johnson, and Mr. Roderick. The two latter of them went on board.  
[1212—368]

Q. Now, Captain, when you went out that afternoon, what vessels do you remember were towing on the "Celtic Chief" then?

(Testimony of Isaiah Bray.)

A. I think all those that were towing the previous afternoon and, I think, the "Mauna Kea" had gone out there.

Q. Do you know whether or not the German cruiser, "Arcona," was out there?

A. I think not that day. German cruiser pulling on "Celtic Chief," December 8, Wednesday, December 8, she was pulling.

Q. Now, was she near to these vessels that you observed turning up the water that caused this cataract that you spoke of? A. Yes.

Q. She was working her propeller?

A. Yes, sometimes. If I remember correctly, they were stopping some of the time.

Q. You're sure, are you, that you saw the "Arcona" turning up water at her stern with the propeller? A. Sure.

Q. You are sure of that, positive that you saw her moving with her propeller? A. Yes.

Q. Between four and six o'clock?

A. Four and five.

Q. Was it your observation that she was pulling on her lines by means of her propeller? A. Yes.

Q. You are sure of that? A. Yes.

Q. Sure she didn't have an anchor ahead and was heaving in on that anchor?

A. She had an anchor ahead.

Q. When you left there she had an anchor out ahead and was heaving in on that?

A. I think she was.

Q. And not by means of her propeller?

[1213—369] A. Both.



(Testimony of Isaiah Bray.)

Q. Are you positive now about her turning up water by her propeller? Are you prepared to testify that she was turning up water with her propeller?

A. I am not prepared to testify definitely any more than what the steamers were doing.

Q. But you did observe that there was a considerable cataract or back flow of water on account of the propellers of the towing boats?

A. I couldn't help that.

Q. How far from the "Celtic Chief" were these various vessels as they lay there towing?

A. Various distances.

Q. Approximately?

A. Possibly a hundred feet or more; more or less.

Q. Do you think they were as near to the "Celtic Chief" as a hundred feet?

A. Some were nearer than the others.

Q. The farthest one?

A. I don't remember those particulars. I had a boat of my own to tend to.

Q. You think there were approximately a hundred feet? A. Might have been two hundred.

Q. Any more than two hundred?

A. I don't think so.

Q. The "Arcona" was off two hundred feet.

A. I think she was off farther than the others.

Q. How much farther?

A. Not a very great deal.

Q. Would you think two hundred and fifty feet was the limit? A. I can't say. [1214—370]

Q. Five hundred? A. Not over five hundred.

(Testimony of Isaiah Bray.)

Q. And the Inter-Island steamers were considerably nearer. A. Somewhat.

Q. In what position was the "Intrepid" towing with reference to the "Arcona" at that time?

A. I don't remember.

Q. Do you know whether she was towing?

A. All I can remember is what I've got down here.

Q. You have no idea whether or not the "Intrepid" was towing when you went out there the second time?

A. I wouldn't say she was. I think she was.

Q. What would be her distance from the "Celtic Chief"? A. I don't know.

Q. Now, these Inter-Island steamers that you speak of as being nearer to the "Celtic Chief" than the "Arcona," if the "Arcona" was not more than five hundred feet away, what would be the utmost limit that the Inter-Island steamers were away?

A. I don't think there was a hundred feet difference.

Q. Now, if, as a matter of *fact*, *were* using towing lines that were eight or nine hundred feet long and were using all of those lines, they would be more than five hundred feet, wouldn't they?

A. I don't think so.

Q. If they were, I say? A. Of course.

Q. Are you prepared to say that they were not eight or nine hundred feet away?

A. No, not prepared to say anything about it.

Q. Then your recollection is not very definite on that point? A. No, it's not.

Q. Do you think that this back flow of water

(Testimony of Isaiah Bray.)

would have the same tendency to put the "Celtic Chief" further aground if they were as much as eight or nine hundred feet away? [1215—371]

A. I don't think it would make much difference.

Q. You think there would still be that tendency?

A. It would run up to the shore, anyhow. It would have this more to give it more impetus.

Q. I'd like to have your testimony as definite as you can give it on this question, in your opinion, that these various steamers, as far as your recollection is concerned. Were they more nearly about one hundred or a hundred and fifty feet from the "Celtic Chief" as they were towing, or more nearly eight or nine hundred feet away from it?

A. I wouldn't think they were so far as that.

Q. But were they more nearly one hundred or one hundred and fifty or more nearly eight or nine hundred? A. I wouldn't give an opinion.

Q. You don't know how far they were away from the "Celtic Chief"?

A. I know they were not a great ways off.

Q. But you can't say at all whether it was one hundred or one hundred and fifty or eight or nine hundred?

A. I don't think it was eight or nine hundred.

Q. Would you say they were about one hundred or one hundred and fifty? A. Rough guess.

Q. That was your impression? A. Yes.

Q. That is now your impression? A. Certainly.

Q. When you say it is about one hundred or one

(Testimony of Isaiah Bray.)

hundred and fifty, you don't mean that it might be five hundred?

A. I don't mean anything of the kind. I don't pretend to know.

Q. You're a seafaring man, aren't you, Captain, of many years' experience? A. Yes.

Q. You are familiar with hawsers? [1216—372]

A. Yes.

Q. You are familiar with the size and the comparative size of these various Inter-Island steamers?

A. Yes.

Q. Knew the "Intrepid" very well? A. Yes.

Q. And you know there were several vessels that were towing on the "Celtic Chief" on the second time you went there? A. Yes.

Q. Yet you are willing to say that three or four vessels were all of them towing on the "Celtic Chief" a hundred feet away? A. More or less.

Q. Don't you know, Captain, that it is a practical impossibility for three or four vessels to pull so close together?

A. Couldn't state how much I think it was.

Q. You said one hundred or one hundred and fifty feet. A. I guessed at it.

Q. Don't you know that it is a practical impossibility for three or four tug-towing vessels to lie so close together? A. No.

Q. You don't know that that's a fact? A. No.

Q. You think it's perfectly safe for them to do that, vessels of the character of the "Likelike," "Iwalani," "Mauna Kea" and "Mikahala" and the "Arcona"? A. Yes.



(Testimony of Isaiah Bray.)

Q. There was no danger?

A. As long as they were kept from striking together.

Q. How far would they have to be?

A. They were separated.

Q. How far?

A. They were not all pulling [1217—373] on the "Celtic Chief."

Q. Ten or fifteen feet apart? A. Yes.

Q. It would be a safe distance?

A. It would depend on who had charge.

Q. Would it be with a prudent man in charge?

A. Yes.

Q. Even though they were causing this disturbance by the use of their propellers?

A. How could they make any trouble?

Q. I'm asking whether or not it was a safe maneuver? A. I think it was.

Q. Even though they were some small distance apart? A. They were.

Q. Ten or fifteen feet?

A. Inches as good as a mile.

Q. An inch would be sufficient? A. No.

Q. Why do you say an inch is as good as a mile?

A. As far as coming together.

Tuesday, August 15, 1911.

Q. Were you out to the "Celtic Chief" more than twice during the time that she was aground?

A. Didn't go out specially, we were out there three times.

Q. Two times the first day? A. Yes.

Q. Having called first with the quarantine officer

(Testimony of Isaiah Bray.)

and having found that they were all busy, you went on out to the other vessels in the harbor, came back in an hour or so to the "Celtic Chief" when she was given pratique, and then returned to the quarantine wharf and you did not return to the "Celtic Chief" until two days later on Wednesday between four and five o'clock?     A. Yes.

Q. Did you go to the "Celtic Chief" at any other time than those three times?

A. No. [1218—374]

Q. Did you observe the Miller anchor line?

A. I did. I observed that she had a line out.

Q. Do you know, could you see the anchor buoy?

A. Don't remember seeing any buoy.

Q. How do you know they had an anchor out?

A. I saw a line attached to something out there.

Q. How do you know it was attached to an anchor?

A. Common sense told me that it was attached to something there.

Q. How do you know it was the Miller anchor?

A. I knew what I was told, that's all.

Q. Did you observe what kind of a line it was, this Miller anchor line?

A. A large wire rope, as I remember.

Q. Wasn't a manilla hawser?     A. No.

Q. Where was it attached to the "Celtic Chief"?

A. I couldn't tell you that definitely.

Q. Well, have you any present idea?     A. No.

Q. You don't know?     A. No.

Q. You don't know whether it was to starboard, to port, or astern?

(Testimony of Isaiah Bray.)

A. I couldn't say definitely. I didn't take particular notice of it.

Q. You didn't take particular notice of the line at all?

A. I took particular notice that they had a line out and were heaving on it by windlass or capstan.

Q. Were you aboard the "Celtic Chief"?

A. No.

Q. Did you observe that they were heaving on it?

A. Yes.

Q. Where were you when you made this observation?

A. On board the launch "Oahu," on board the quarantine wharf.

Q. Did you ever leave the launch? A. No.

Q. Where was the launch "Oahu" while you observed what was [1219—375] going on there?

A. A short distance away from the ship.

Q. How far?

A. Well, we were working around in different positions keeping out of the current all we could.

Q. You were not alongside of her?

A. We went alongside and put the doctor on board and we went alongside on Wednesday to put Captain Johnson and Mr. ——— aboard.

Q. I'm speaking of Wednesday now. You didn't observe the Miller anchor, did you, on Monday?

A. I don't remember that I did.

Q. What I want to get at is, Captain, where were you when you saw, where was the launch lying when you saw that they were working the tackle on board the "Celtic Chief" for the purpose of heaving in on

(Testimony of Isaiah Bray.)

Miller anchor line?

A. We were maneuvering around.

Q. Can you give any idea how far you were from the vessel?

A. Various distances. We would drift astern then we'd have to come around and get into position again.

Q. Would you go as far as fifty or a hundred feet away from the "Celtic Chief"? A. At times.

Q. Farther than that? A. I don't think so.

Q. Farther than fifty feet? A. Yes, at times.

Q. Betwen fifty and a hundred?

A. I should say so.

Q. And you would come close again? A. Yes.

Q. You could see plainly that they were heaving in on this tackle, could you? A. I could.

Q. Notwithstanding the fact that she stood about twenty feet above the water line and had her bulwarks about thirty or forty feet above the main deck, you could see that plainly? A. Yes.

Q. Where on the deck were these tackles rigged?  
[1220—376]

A. I couldn't say definitely. I saw them stretched fore and aft.

Q. Did you observe what kind of tackle it was?

A. No, not particularly.

Q. Were they using the winch for the purpose of heaving on it? A. Yes.

Q. Using the steam winch?

A. I couldn't say whether it was the winch or the capstan.

Q. You don't know which it was? A. No.



(Testimony of Isaiah Bray.)

Q. So you don't know the motive power they used for the purpose of heaving in on that tackle?

A. I can't say.

Q. How do you know *there* were even heaving in?

A. I could see them at work. I could see the strain on the line.

Q. You could tell from that they were heaving in?

A. Yes.

Q. You could tell by that?

A. I could tell by the lines.

Q. There would be a good deal of difference in observing the motive power between the two if it were on one or the other, the capstan or the winch?

A. Not much.

Q. What did you see these people doing?

A. I couldn't say that I saw them doing anything definitely only the lines that they were moving around, they were naturally engaged in some kind of work.

Q. How do you know they were working on the tackles? A. I could tell by the line.

Q. The line where?

A. Out astern, the motion of it.

Q. Because it was working up and down?

A. There was more or less agitation to it.

Q. I think you testified, Captain, that there was some slight motion to the vessel itself?

A. Slight motion, yes. [1221—377]

Q. Caused by this back flow from the propellers of the various vessels?

A. I couldn't say whether it was caused by that or strain on the line or what did it. Very likely it

(Testimony of Isaiah Bray.)

was the motion before the vessel was coming off somewhat.

Q. Visible motion?

A. Enough to be noticeable.

Q. How do you know that this strain was not caused by this motion of the vessel?

A. Well, it is possible that it might have had something to do with it.

Q. Isn't it possible that it might have had everything to do with it? A. I don't think so.

Q. How do you know? A. I don't know.

Q. Why do you say that you don't think so?

A. That is, well, I think the heaving. I don't know as it would make any particular difference. It might have been the swell or the confusion of the water.

Q. Then you don't know as a matter of fact, whether or not they were heaving in on that line?

A. I couldn't say that they were heaving. They were engaged doing something.

Q. Doing something on board the vessel.

A. Yes.

Q. You don't know whether they were working with the tackles?

A. Yes, I am convinced they were.

Q. I'll ask you, Captain, why you are convinced or why you think that they were working on the tackles when you didn't see them?

A. I could judge by the lines.

Q. Yet you say, Captain, that might have been caused by the motion of the vessel itself in the swell, it might be the back flow from the propellers of

(Testimony of Isaiah Bray.)

these various vessels? A. Possibly.

Q. So that you can't say that you have any reason for your belief that they were actually heaving in on that line?

A. Well, I had this reason, and some men see things that other men cannot, and from all the motions and actions that was taking [1222—378] place there, I seen that they were heaving in. I am perfectly convinced that they were from the maneuvers.

Q. What were those, Captain?

A. As if they were engaged in shifting tackles and doing things of that kind.

Q. And yet you don't know whether the motive power exercised upon the tackles was the steam winch or the capstan?

A. I couldn't say that.

Q. Then if you don't know that there was any motive power being exercised to the tackles, you don't know, do you, Captain, whether or not they were actually exercising any motive power whatever?

A. I think the line astern indicated that there was a tremendous strain on it.

Q. But, Captain, you have stated, have you not, that that strain might have been caused by the motion of the vessel?

A. Possibly, and yet the vessel might have moved through that strain.

Q. In other words, it might be one or the other, so far as your knowledge is concerned?

A. Yes.

Q. Then, the fact of the matter is, Captain, you

(Testimony of Isaiah Bray.)

don't know whether or not there was any heaving in on that line at all. It is merely a surmise on your part?

A. I might say it was, although I am convinced they were heaving in.

Q. Simply because of the condition of the lines?

A. No, from all the motions that I saw.

Q. You don't know whether those were on the tackles or some other motions?

A. I am pretty sure.

Q. Why?

A. Because there was nothing else doing on board.

Q. How do you know?

A. Nothing that I could see from the deck of the launch.

Q. But there might have been something that you [1223—379] couldn't see from the deck of the launch? A. Possibly.

Q. You say that the Miller anchor line had some motion, you could see that there was plainly some strain upon it? A. Yes.

Q. I take it you mean by that it would get a strain taut again and that sort of thing?

A. Which indicated—

Q. I'm not asking you what it indicated, but if it would.

A. No, it did nothing of the kind; it was simply agitated more or less; there was no giving. It was not a steady strain.

Q. Notwithstanding the fact that the vessel was moving more or less there was no giving of that line?

A. I saw the line was agitated more or less.



(Testimony of Isaiah Bray.)

Q. Did it give or didn't it give even though the vessel was moving more or less?

A. I didn't notice those things particularly. I simply observed the lines and they indicated to me it was being heaved in and had a severe strain on it.

Q. It might have given more or less as the vessel swung one way or the other as far as your observation went? A. It might have been.

Q. There was no upward and downward motion of the stern at all?

A. No, I couldn't say there was. You must remember that I had my own boat to tend to and we swung more or less and all I observed was merely casually.

Q. As a matter of fact, you were so busily engaged in your launch that you didn't take any particular notice of what was going on about the vessel?

A. Well, more or less.

Q. Yet you noted carefully, did you, that the Miller Salvage line had a tremendous strain?  
[1224—380]

A. I noticed that particularly.

Q. Yet you say, Captain, that it might have been due to some other cause than heaving in?

A. I think the agitation might have been aided a little by motion of the roll of the vessel, but my experience would tell me at once that there was a severe strain being exercised and that it was being pulled on.

Q. Did you observe that the "Celtic Chief" was coming off somewhat?

A. I didn't observe that.

(Testimony of Isaiah Bray.)

Q. Did you observe that she was actually influenced in any way by this strain?

A. No, not that I know of. I should say that she was certainly held.

Q. Now, would you be prepared to say, Captain, that there was a heaving in on this line, actual heaving in on this line even though one of the men actively engaged in connection with the tackles about that, on the "Celtic Chief" had testified in this case that there was no heaving in on that line at that time of the day?

A. No, I wouldn't say anything of the kind.

Q. So that you are, when you say you believe they were heaving in that is merely a surmise on your part?

A. That's a surmise from my long experience in that kind of work.

Q. And it's quite possible that they were not heaving?

A. They might have been moving to stop and fleet the tackle.

Q. It's quite possible that they might not have been heaving during the time?

A. Possible. They were surely engaged on that tackle.

Q. And yet not been heaving in on that tackle?

A. There is a dozen of things they might have been doing.

Q. When you assert that they were actually heaving in on that line—I want to find out whether or not they were heaving in on that line?

A. I haven't said that they were heaving in.

(Testimony of Isaiah Bray.)

Q. Oh, you don't say they were heaving in.

A. I have not. [1225—381]

Q. I'm asking you do you say they were?

A. I say the impression that I have is that they were.

Q. They might not have been?

A. Possibly not. I was very much deceived if they weren't.

Q. All these other towing vessels were pulling hard, were they? A. Apparently.

Q. At that time, judging from the way that they were turning up the water astern, with their propellers, would you say that they were all of them going full speed? A. I should judge they were.

Q. Including the "Arcona"?

A. Yes, sir, I think they were. I think they were doing their best.

Q. Did they appear to have a strain on their hawsers? A. I think so.

Q. They did have strain on their hawsers?

A. Yes.

Q. What did you mean when you said you think so?

A. If they were going ahead they must have had strain on it.

Q. You saw the lines? A. Yes.

Q. What was the condition of those various lines with reference to their being taut or not?

A. They didn't seem to be as steady, if I remember right, as the anchor line.

Q. They were not?

A. The motion of the two vessels would tend to

(Testimony of Isaiah Bray.)

give them more motion.

Q. That is, at times there would come up straight and then into a bight?     A. Yes.

Q. They came out of the water, however?

A. Yes.

Q. Sometimes touched the water?

A. I think they did touch the water sometimes.

Q. But ordinarily they would be pretty well out?

A. Yes.     [1226—382]

Q. Do you think that's a possibility with a vessel of the size of the "Mikahala" if she had several feet of hawser between her and the "Celtic Chief"?

A. Depends on the size and weight of the hawser.

Q. Well, let's take the "Helene." You know the "Helene," do you not?     A. Yes.

Q. Assume that she had seven, eight, or nine hundred feet of hawser between herself and the "Celtic Chief" of either eight or twelve-inch dimension, do you think that it's possible for a vessel of the power of the "Helene" to keep that hawser out of the water most of the time?     A. I should think so.

Q. Have you had any experience in towing?

A. Not particularly; no.

Q. You don't know much about it. So, as a matter of fact you don't know whether a vessel might be able to keep a line of that size and that distance away out of the water most of the time?

A. I think it is very possible that she could.

Q. You think it is quite possible?     A. Yes.

Q. Was there any lightering going on at the time you were out there, lightering of cargo?

A. I think there was on the Wednesday.



(Testimony of Isaiah Bray.)

Q. On Wednesday you think there was cargo being discharged from the "Celtic Chief" into other vessels?

A. I know there was at some time. I think it was on Wednesday.

Q. Well, might not that account for the activity that you observed aboard the "Celtic Chief"?

A. It might have added to the activities.

Q. Might have accounted for it?

A. No, I can't be made to believe that there wasn't work going [1227—383] on at that hawser as far as my own mind was concerned whatever else was being done.

Q. Do you know who was doing that lightering of cargo? A. I do not.

Q. Small boats or large boats?

A. I think it was small boats; ships, steamers' boats. I'm not positive about that. I don't know but there was a larger boat on the starboard side.

Mr. OLSON.—That's all.

Cross-examination of ISAIAH BRAY on Behalf of  
Libellants Inter-Island Steam Navigation Co.  
and Matson Navigation Co.

Mr. WARREN.—Q. Captain, in referring to the "Mikahala" and her anchor chains, you were asked about how long a chain you observe in front of the "Mikahala" and you said six or ten fathoms. Now, what did you mean by that? Six or ten fathoms observable above water? A. Yes.

Q. And as far as you could observe there was more chain below water? A. Yes.

Q. And how was that chain bearing, at approxi-

(Testimony of Isaiah Bray.)

mately what angle?

A. Appeared to be directly ahead of the boats.

Q. And what was its appearance as to whether it was taut or not? A. Seemed to be taut.

Q. Appeared to be straight?

A. There was some stirring of the vessel as they were pulling and working at their anchors at the same time.

Q. And is it possible, as a matter of fact, for an anchor chain to be perfectly straight, to be drawn perfectly straight?

A. It would depend a great deal on circumstances in wind and sea. If it was windy—in port with a strain on it it might be kept almost straight.

Q. About what size do you think the "Mikahala" anchor line was, chain?

A. Her cable? [1228—384]

Q. No, her anchor chain out forward?

A. Well, that's her cable; possibly two-inch cable.

Q. What's that? A. Possibly a two-inch cable.

Q. Was it a cable or a chain? A. Cable.

Q. Out forward? A. Chain cable.

Q. Of links? A. Yes.

Q. Now, in testifying regarding the "Arcona" lines from the "Arcona" to the "Celtic Chief," you used the term engine as exerting power upon her anchor lines, by what kind of an engine did you mean? A. Gasoline power on her anchor-chain.

Q. Didn't you say that she was heaving on her anchor-chain, the "Arcona"?

A. I presume it would be natural for her to be taking in any slack or keeping it as taut as possible

(Testimony of Isaiah Bray.)

all the time that she was trying to forge ahead.

Q. You referred to an engine, did you not?

A. I don't remember.

Q. The question was put to you as to what kind, as to the engine or the power of the engine of the "Arcona" which was exerting a strain on the anchor line? A. In that case I'd mean her main engine.

Q. Do you mean the ship's engine?

A. Ship's engine.

Q. Operating her propeller? A. Yes.

Q. You don't mean the engine on deck?

A. No.

Q. And you observed that her propeller was going on Wednesday afternoon between four and five when you were there? A. Yes, I think so, yes.

Q. And she was doing her part of keeping up that current? A. A good part of it.

Q. When you spoke of having difficulty on the first, on Monday getting aboard, getting up to her, was that, did that current [1229—385] have anything to do with it on Monday?

A. Monday, I think Monday morning I had been there and I was working carefully to watch that I didn't get into any shoal water and then in the afternoon there was more or less confusion from the boats.

Q. Did you notice any? A. Did I notice any?

Q. Did you notice any current from the propellers of the steamers that were pulling on Monday morning? A. I don't remember that I did.

Q. What would be the difficulty then, or the danger of going ashore yourself?

A. I'd have to find out first how much the ship was

(Testimony of Isaiah Bray.)

drawing, then I could judge somewhat of the depth of water about her.

Q. Well, did you take any soundings?

A. I believe we did; I couldn't say positively.

Q. You wouldn't have noted them down, if you had?

A. No, we simply have a little lead line.

Q. You said you had to be careful in going up there to see if there was water enough?

A. I was careful.

Q. What did you do to satisfy yourself that it was possible for you to go there with safety with your vessel?

A. I think we must have used the lead.

Q. Have you any idea of the results were in using that line?

A. I don't remember the depths particularly. I know that we did, that there was water enough for the launch to go alongside of the "Celtic Chief."

Q. Have you any idea at all of about how much water there was there, whether it was five feet or ten feet or twenty feet?

A. Yes, it varied more or less as we got in nearer. Perhaps you might say from eighteen feet to twenty or twenty-five.

Q. It might have been twenty-five feet deep?

A. Yes.

Q. Do you know the draught of the "Celtic Chief"? A. I do not. [1230—386]

Q. That is twenty-five feet right where the "Celtic Chief" lay?

A. Well, there was more depth at her stern than at her bow.



(Testimony of Isaiah Bray.)

Q. How much do you think?

A. Between one and two feet or so.

Q. You think that's about the difference there was between the stern and the bow?

A. As near as I can guess.

Q. Were you just judging from appearance or were you using a line?

A. Judging more from appearance than anything.

Q. Was that the appearance which would enable you to assume a difference of one or two feet from the bow to the stern?

A. One of the indications would be that the bow of the "Celtic Chief" would be higher out of the water.

Q. You observed that by the water line?

A. Incline of the vessel, of the bow to the stern.

Q. Was the water line of the vessel above the water?

A. Her bow was—I don't remember about the stern.

Q. You think there was really only about one or two feet difference from bow to stern?

A. As I remember it, her bow seemed to be a matter of two feet, or three feet above the water.

Q. Would not really drop the water line of the stern two or three feet below?

A. It wouldn't go any farther than the bottom there unless she made a bed for herself.

Q. You don't know how far below water the water line of the "Celtic Chief" was at the stern?

A. I don't know.

Q. Not even approximately?      A. No.

(Testimony of Isaiah Bray.)

Q. Was the water clear enough for you to estimate the depth by looking down into the water?

A. I believe not. I think it was well clouded up. If it had been clear I don't think we would have taken any soundings as I think we did because I can estimate the depth very [1231—387] readily in clear water.

Q. Did you have any difficulty in taking soundings? A. No difficulty.

Q. Would the line go straight down or did this current wash it off? Would your plumb line go down, or would it be washed aside by this current?

A. Not in the morning; there wasn't much current.

Q. Now, you've told us how the "Morning Star," "Morning Star No. 1," was it, that went ashore seven or eight times? A. Yes, sir.

Q. And what kind of shore or shoals would she, did she ground on?

A. More or less on what they called down there horse-heads, shoals that come up all the way from a foot above water to five or six feet below water; perhaps they'd be all the way from half an acre to eight or ten acres in circumference.

Q. That is, she would not run up on the beach, would she?

A. Yes, very much like this place at one time.

Q. Like the "Celtic Chief"? A. Yes.

Q. Is that the time that you got her off by using the propeller?

A. She had no propeller, that vessel.

Q. Were there any other times that you ran up on

(Testimony of Isaiah Bray.)

the beach or were the rest of them confined to these shoals that you speak of?

A. Mostly to the shoals.

Q. Now, when you got on these shoals, varying in depths I suppose? A. Yes.

Q. And were there any other occasions at all anything like the grounding of the "Celtic Chief"?

A. I don't remember nothing.

Q. Did you ever get off these shoals by the aid of rising tide?

A. We used to take advantage of the rising tide to heave off.

Q. And get off without difficulty. [1232—388]

A. No, not at all; sometimes we had a good deal of difficulty.

Q. Aside from a certain amount of work you got off safely with your vessel?

A. Well, sometimes there was more or less damage to the bottom; very apt to get some copper scraped off; sometimes the planking would come off the bottom.

Q. Was that as serious damage as you had?

A. It was so serious that we turned right back for Honolulu and we were pumping with all pumps and the worms had got in.

Q. What was that from?

A. Grounding on the reef, scraping the copper off and making an entrance for the worms.

Q. If your bottom had not got grounded then there wouldn't have been sufficient to put you in that danger? A. No.

Q. I'd like to ask you the distance of these

(Testimony of Isaiah Bray.)

steamers from the "Celtic Chief." You have said in the neighborhood of 150 feet; you don't think it was more or less?

A. What was the length of the "Celtic Chief"?

Q. I'll ask you first what do you think her length was by observing her?

A. I should say in the neighborhood of two hundred feet, more or less, possibly a little more.

Q. You think she was not any less than two hundred feet any way? A. I should think not.

Q. If these steamers were within one hundred feet, or within 200 feet, they would have been within her own length of her?

A. That's what I was thinking of.

Q. And you think that these steamers pulling on her were no further from her than her own length?

A. That's what I wanted to get some judgment of her length for.

Q. The pulling distance and her own length you think were about the same?

A. No, they were further away.

Q. And if you are told that the length of the "Celtic Chief" was 266 feet and a fraction then you would say that the steamers [1233—389] were further away than that? A. Yes.

Q. How much further, twice her length?

A. I think so.

Q. Might have been more than that?

A. I can't judge only by the length of the ship, as I remember.

Q. Twice her length would be 532 and you don't think it could be that much?



(Testimony of Isaiah Bray.)

A. It don't appear so from a glance, still I should think likely it may have been.

Q. So that when you are informed of the length of the "Celtic Chief," then you believe that these steamers pulling were at least double her own length away from her? A. I think they must have been.

Q. Would you say they were more than that or less than that?

A. I couldn't say; that is a rough estimate.

Q. This estimate from 100 to 150 feet was a rough estimate? A. Yes.

Q. Now, is this any closer than that?

A. I hadn't considered her length then. Judging from her length I should think the latter would be nearer.

Q. So you are really not prepared to say what distance they were pulling away from her? A. No.

Q. And you would not be surprised if the fact were the distance was a thousand feet?

A. I think it was not.

Q. At the same time it would be possible?

A. I don't think when I saw it—

Mr. MAGOON.—This matter is covered over and over and it is a waste of time and taking down a valuable transcript here.

The COURT.—Objection overruled at this time.

Q. You don't think so but still it might be possible?

Mr. MAGOON.—That's answered; that very same question; he answered it, the last answer. I object to it.

The COURT.—Objection overruled.

(Testimony of Isaiah Bray.)

A. I wouldn't say it was impossible.

Q. You wouldn't say it was impossible? [1234—390]

A. No. I first did not want to answer.

Q. It is difficult to judge distances on the water, isn't it, Captain? A. In some instances.

Q. Deceptive. Things usually look closer than they really are, don't they?

A. Yes, no doubt about that.

Q. What do you think is the length of this room, Captain? A. Forty-five feet, perhaps.

Q. Now, as to your observations of the men at work on board the "Celtic Chief" on Wednesday afternoon when you were there between four and five. If they were operating a capstan that would be quite visible, wouldn't it, from your position?

A. I think it would.

Q. You would necessarily see the men walking around the capstan with bars? A. Yes.

Q. You didn't see that?

A. Not that I remember.

Q. What's that? A. Not that I remember.

Q. Well, if that had been the case would that explain your statement that they were working on the line, heaving on Miller's anchor line?

A. It is possible that while I was there they might have been at the tackles but doing something else at the time and not heaving.

Q. Do you think it is possible that they didn't do any heaving at all while you were there?

A. I didn't notice any capstan heaving.

Q. If they were using the winch, could you have

(Testimony of Isaiah Bray.)

observed that from where you were?

A. I think I could have if I had got up on deck. My position on the deck is down under the deck, that is, about three feet; if I want to see anything better I get up on the deck.

Q. Did you do that at any time?

A. I think I did if I remember right.

Mr. WARREN.—I think that's all.

Redirect Examination of ISAIAH BRAY. [1235—  
391]

Mr. WEAVER.—Q. You say you got up on the deck of the boat; what deck do you refer to—the main deck? A. There is only one deck.

Q. Describe the launch.

A. Well, she's a boat with a guard around her covered with ribbed canvas top.

Q. And how high is this top from the water?

A. Possibly two feet, two feet and a half.

Mr. WEAVER.—That's all.

Mr. MAGOON.—The captain wishes to clear up one matter about the going on of the "Celtic Chief," with the consent of the Court.

The COURT.—That's always allowed.

Mr. MAGOON.—You may go ahead and say what you have to say about that.

The WITNESS.—I've been very much confused from this talk of seeing the "Celtic Chief" come up and pass us and go on the reef, and in looking over my log-books I find, September the 20th, 1907, between six-fifteen to eight forty-five A. M. of that Tuesday, going to the ship "Siberia," ship "American," ship "Rosecrans," ship "Celtic Chief" came

(Testimony of Isaiah Bray.)

sailing up on her previous visit and passed us, and it is this that has confused me in regard to the time of her coming up and going on the reef. She was here about two years before this last occasion and came up while we were outside there and that had confused me in regard to this later case.

Q. Have you got your book here that you made the memoranda of the "Celtic Chief"? The one that you spoke of in evidence on cross-examination, is this the same book? A. Yes.

Q. May I have it, please?

Q. I understand, Captain, that you refresh your memory from this book here with reference to the memoranda that you made at the time of the "Celtic Chief" in your testimony on cross-examination?

A. Yes.

Q. From refreshing your memory from this book, I ask you with reference to whether you observed, whether or not you observed [1236—392] that the vessel went further in shore, the "Celtic Chief" went further in shore after the Miller anchor was made fast to it and the strain obtained?

Mr. WARREN.—I think it's improper redirect, your Honor.

Mr. OLSON.—I make the same objection.

Mr. STANLEY.—And also on the ground it is leading.

The COURT.—I will not rule on the question on the ground whether it is redirect or not. I will allow it to go over that objection.

Mr. STANLEY.—We object to it on the first ground it is leading; in the second place, there is no



(Testimony of Isaiah Bray.)

foundation shown that the witness needs to have his memory refreshed on the subject.

Mr. OLSON.—I'll add the additional objection that counsel has as attempting to put in evidence a self-serving declaration and he is not entitled to do so.

The COURT.—If you want to put this book in or use the book, you may do it on direct examination. If you show to me a proper question on direct examination, you may have that testimony and then let the others cross-examine on it.

Q. From your recollection can you say as to the effort exerted by the Miller Salvage anchor on the "Celtic Chief" after it was attached to the "Celtic Chief" with reference to going further ashore of the "Celtic Chief"?

Mr. OLSON.—I object to the question on that ground that the witness is not qualified to answer.

The COURT.—I don't think that's quite the question. Mr. Magoon asked a question in substance as to this, what your observation was with regard to the "Celtic Chief's" going further in shore or not after the Miller anchor line was fast.

Mr. MAGOON.—I would like to add to that, between four and five on Wednesday.

Mr. WARREN.—We object to it as leading.

Mr. OLSON.—I object to it as leading.

A. Watching from quarantine wharf, I didn't notice that the ship went in farther on after the first day she was there. [1237—393] On Wednesday, when I was out there taking Captain Johnson and the doctors, I made a note that Miller's anchor was saving every inch.

(Testimony of Isaiah Bray.)

Mr. OLSON.—I object to that and move that it be stricken from the record.

Mr. MAGOON.—We won't object to have that stricken at all, that portion of the answer referring to the taking out of Captain Johnson.

The COURT.—That portion of the answer referring to the taking out of Captain Johnson is stricken out.

Mr. MAGOON.—That's all.

Recross.

Mr. STANLEY.—Q. Now, then, Captain Bray, you have explained why it was that you have testified some days ago that you saw the "Celtic Chief" on the morning of December, that is, this Monday morning, come in the harbor and go aground. You now wish to say, as I understand it, that the "Celtic Chief" made a former visit. Did you also see her go aground at that time? A. No.

Q. Why did you testify on direct examination that you saw her go aground?

A. I had the occasions confused.

Q. This former occasion was she came in like a crazy man was on her. She didn't go aground?

A. No.

Q. What reason have you for saying she came in like a crazy man was on her?

A. Because she came with so much sail on and running at such a rate.

Q. Well, now, then, what do you mean when you say that you possibly confused the "Celtic Chief" with the ——?

A. Well, there's the three. I'm visiting perhaps

(Testimony of Isaiah Bray.)

six or seven hundred vessels in a year, going out to them and I can't always remember about each.

[1238—394]

Q. Did you, as I requested you to do, Captain, refresh your memory from your log-book about this ——— or vessel? A. I haven't had time.

Q. I asked you to do that.

A. Well, I have other business to attend to. I have got to go through about a dozen log-books.

Q. I wish you would find that and when you have done so appear in court. Will the Court kindly instruct the witness to do this?

Mr. WEAVER.—If the Court please, it seems to me that is an immaterial issue.

The COURT.—I think it's only fair if you will do that, Captain.

Mr. OLSON.—Bring the log-book that you have the entry in.

Mr. WARREN.—I'd like to ask you, Captain, you intend by making the explanation this morning that you confused this trip of the "Celtic Chief" with the trip that she made two years ago?

A. Yes, partly.

Q. Rather than your explanation of yesterday that you confused the "Celtic Chief" with the ——— or some other vessel which went ashore?

A. Well, there's three. I am more or less confused because all of the three I'm no more clear on this ——— or whatever her name was, because I say it's impossible for me to remember the movements of all of the various vessels I'm visiting.

Q. This other vessel, ———, or whatever it's name



(Testimony of Isaiah Bray.)

may have been, was stranded in the same approximate location?

A. I have an idea of a vessel that was ashore there under similar circumstances and was pulled off. Now, that is all I can say about that without having my memory refreshed.

Q. How many vessels have gone ashore in that vicinity in the past five years while you've been in the launch service?

A. There was a Japanese steamer, one other on the starboard side.

Q. I mean sailing vessels in this vicinity? [1239—395]

A. The "Celtic Chief," in that vicinity?

Q. Yes, anywhere near it?

A. The other one that I have in mind is all that have been ashore there.

Q. That's within the past five years?

A. I would not say that.

Q. During your service on the launch?

A. I wouldn't say that.

Q. How could you have any entry in your log if you were not in the service at the time?

A. I would not have it, before I was in the service, it might have occurred while I was at the Sailors' Home.

Q. Well, I understood you to say on your earlier testimony, you have since looked it up, that this ship came sailing up and you saw her go ashore. Now, if you were superintendent of the home do you think that you will still say that you saw that vessel go ashore?

A. No.

Q. Then, in testifying the other day that you saw



(Testimony of Isaiah Bray.)

the vessel go ashore there, it couldn't have been the "Celtic Chief" at all?

A. I'm not clear on that point yet. I am inclined to believe that I saw that ship go ashore about daylight in the morning.

Q. The "Celtic Chief" on this occasion?

A. Yes, I cannot disengage my mind of that belief.

**[Testimony of Tom Mason, for Libellant.]**

Direct examination of TOM MASON, a witness called on behalf of libellant Miller Salvage Co., Ltd., and sworn.

Mr. WEAVER.—Q. What's your name?

A. Sir?

Q. What's your name? A. Tom Mason.

Q. How old are you? A. Fifty-two.

Q. What business are you in now?

A. Working for Captain Miller. [1240—396]

Q. What did you do?

A. Sailor—common sailor.

Q. What else have you done through your life?

A. Working around the waterfront.

Q. What is your business in general? What has been your business? A. All kinds.

Q. What? A. All kinds.

Q. Tell about it. A. Stevedore, sailorizing.

Q. Anything else? A. That's all.

Q. In sailorizing, what do you include? What kind of work? A. Sailor.

Q. What else have you done besides sailor work?

A. Rigging.

Q. Have you done any special kind of rigging? If so, what?

(Testimony of Tom Mason.)

A. Just common rigging. I'm working around the waterfront stevedore.

Q. You speak of rigging; is there any particular kind of rigging you've done before?

A. There's all kinds of work in rigging, you know; splicing.

Q. Have you done any of that kind of work for Miller Salvage Company? A. Yes.

Q. Where did you do that work?

A. On the "Celtic Chief."

Q. Have you been—what kind of sailorizing have you done, as you call it? What have you done as a sailor? You said common sailor; have you done anything else?

A. I worked on that day on the "Celtic Chief."

Q. No, before that had you done sailor work? What is your experience?

A. I worked for Wilder Steamship, sailorizing. That is, on the coast here.

Q. In what capacity?

A. I've been on big ships, merchant vessels; sailor.

Q. What position did you hold, if any, on these ships?

A. I was working for—I was on the old "Kilauea" as a mate.

Q. When was that?

A. That is long time ago. About ten or fifteen years ago. [1241—397]

Q. What mate? Any other boat? Any other boat you hold such a position? A. No, sir; that's all.

Q. Did you work on any other boats?

A. I worked on the schooners as a captain.

(Testimony of Tom Mason.)

Q. What schooner? A. "Kamoli."

Q. And how long were you on that schooner?

A. I was four trips.

Q. How long would that be, four trips?

A. Four months.

Q. The "Kilauea," how long were you on that?

A. I was two months on the "Kilauea."

Q. Any other boats, either sailing vessels or steamers? A. That's all.

Q. Do you know the "Likelike"?

A. I worked on her as a boat sailor.

Q. How long were you on her?

A. I was on her six years.

Q. How long were you on the "Kilauea"?

A. That is two months.

Q. And at other times when you were on other vessels how many years was your experience outside of those you speak of the "Kamoli," the "Kilauea," and the "Likelike"? A. Fifteen years in the sea.

Q. Fifteen years at sea. What were you doing at sea? A. Sailor.

Q. What capacity? Sailor means all the way from captain. A. My sailorizing is as sailor first.

Q. Tell us about it. Sailorizing, then what?

A. That is, common sailor, workman.

Q. How long were you common sailor out of the fifteen years? A. Say about fourteen years.

Q. And then when did you get your first raise?

A. I got my first raise when I came in the Islands here.

Q. On what ship?

A. That is on the "Kilauea."

(Testimony of Tom Mason.)

Q. And then after that?

A. Then Frank Cooke's boat. [1242—398]

Q. What was that?

A. That was on the ——— up to Hamakua.

Q. What were you there then?

A. I was the captain of it. Took her up to Hamakua.

Q. What is the ———? A. Schooner.

Q. Sailing schooner? A. Sailing schooner.

Q. How long were you captain of her?

A. Was there a month.

Q. From that boat what did you go on?

A. One they called the "Lavanier." They used to call the "Waiole."

Q. The "Lavanier." What work did you do on the "Lavanier"? What capacity did you work on her?

A. I was the captain of her for four months.

Q. Where did you go? A. Hamakua coast.

Q. What was she? A. Schooner.

Q. And in all this experience or while commanding any of these vessels, did you ever have any experience in salving? A. What?

Q. Did you have any experience while you were on these boats in salving, saving wrecked vessels?

A. I haven't done any saving, the salvage company does that.

Q. While you were sailorizing, as you called it, did you have any experience at all in salving vessels?

A. That's where I got my learning from.

Q. Tell what you mean.

A. From sailorizing, learns you how to splice rope,



(Testimony of Tom Mason.)

learns you to rig up tackles, heave gear rope up, heave wires. That's how the man gets the experience.

Q. Well, now, what—do you know about the “Celtic Chief” case? A. Yes.

Q. When did you first see the “Celtic Chief”? What time of the week, if you know?

A. Monday morning.

Q. That was about what year? About two years ago? [1243—399]

A. Year and a half or two years.

Q. About December, 1909? A. Yes.

Q. Monday morning. Under what circumstances did you see it?

A. When I came down on the wharf I see a vessel lying out there and I thought she was lying out in the anchor. It was kind of foggy and I walked farther down, I see a lot of people applying for a job for the vessel ashore.

Q. What vessel was that? A. “Celtic Chief.”

Q. What did you do, if anything, with regard to the “Celtic Chief”?

A. I looked for a job to go out.

Q. Who did you go to for a job?

A. Captain Miller.

Q. What was the result?

A. The result is he's got enough men.

Q. What? A. He had enough laborers.

Q. What happened to you then?

A. I stayed there like a fool on the wharf.

Q. What did you do next in regard to the “Celtic Chief,” if you didn't get a job?

(Testimony of Tom Mason.)

A. I didn't go out to the "Celtic Chief." I stayed on the wharf and *waiting for chance*.

Q. What was next done by you?

A. Next chance Captain Miller sent in to Dick.

Q. Who is Dick?

A. To pick up another gang for the "Kaimiloa." Then I had a chance.

Q. And went out on the "Kaimiloa"?

A. I went out on the "Kaimiloa."

Q. What did you do when you got out there?

A. I went out there as laborer.

Q. What did you do there?

A. Went alongside of the "Celtic Chief," tied her up there. Captain Miller says, "Get your gang aboard and get some of the fertilizer on your ship," Mr. Mason. I says, "All right." I got my gang. Worked double-gang. "Concord" on one side and me on the other.

Q. "Concord" on what side?

A. I was on the starboard side.

Q. You were in what vessel?

A. "Kaimiloa." [1244—400]

Q. "Concord" on the port side?

A. "Concord" on the starboard side, port side.

Q. What was being done there at that time when you got out there?

A. We start in to loading our ship, that's the "Kaimiloa."

Q. As a result of what Captain Miller said to you about fertilizer, what did you do?

A. Got my gang on her, got the freight out of her.

Q. You were acting in what capacity? Were you

(Testimony of Tom Mason.)

luna then—were you boss then?

A. I was kind of foreman.

Q. How many men did you have with you?

A. I had thirty-seven.

Q. Was there anybody else working there at that time for Captain Miller at that time that you got out there?

A. They had their own gang on the other side.

Q. That is, they—

A. That is Captain Miller's gang and Dick.

Q. By Dick you mean Dick Clarke?

A. Dick Clarke.

Q. How many men did he have?

A. I don't know.

Q. Can you say about how many?

A. I might say a little too much for him. He might have a hundred men because I haven't counted his men.

Q. What time of day did you go out there with your men? A. About ten o'clock.

Q. Then after you got out there, you had thirty-seven men there, and what were they doing?

A. They were working in the fertilizer.

Q. Taking it from where?

A. Taking it from the "Celtic Chief."

Q. And loaded it over the side into the "Kaimiloa?" A. Yes.

Q. What apparatus, if any, did you have?

A. Eh? [1245—401]

Q. What machinery did you have, if any?

A. We used our hand, that's our machinery.

Q. How long did that operation continue, if you

(Testimony of Tom Mason.)

know? A. Eh?

Q. How long was that work? How long did you keep it up? A. Kept it up all day.

Q. Did you stop for any purpose?

A. No stop at all.

Q. Ten o'clock in the morning to what time?

A. Ten o'clock in the morning before we got ready to half-past five.

Q. Then what happened?

A. Then we got towed in.

Q. Who towed you in? A. Gasolene boat.

Q. Who did it? A. "Elizabeth."

Q. Yes, and what did you do when you got ashore with regards to fertilizer?

A. Came ashore and we tied the "Kaimiloa" by the bullock pen, bullock wharf, at the Dillingham wharf.

Q. Then what did you do then?

A. Then we got on the gasolene, went on the ship again.

Q. You and who else went besides you?

A. Me and Frank.

Q. You mean Frank Lonche driving the "Elizabeth" engine.

Q. What became of the men that were together?

A. Myself and four men came along with me, the rest of the men was shifted over on the "Makee" then.

Q. You went off with the fertilizer and where were this gang of thirty-seven men?

A. Stopped down there. Stopped on board the ship and loaded the other ship.



(Testimony of Tom Mason.)

Q. They stopped on the "Celtic Chief"?

A. Yes.

Q. And you went back with the four men?

A. I went back with four men.

Q. When you went back what did you do?

[1246—402]

A. When we went back we went and load the "Makee" up.

Q. What did you load with?

A. Load it by hand; we had stages to the hatches.

Q. And how long did you—how long was it between the time you left to take the fertilizer to the wharf and the time you came back and started over again? A. Well, we was about three hours away.

Q. Then what did you do when you got back?

A. Went back, got aboard the "Celtic Chief." We started to load the "Makee."

Q. You yourself took part? A. Yes.

Q. And this—how long did you work there?

A. We worked there until next morning.

Q. What time? A. Well, about five o'clock.

Q. Then what did you do then?

A. Then we came ashore discharged the "Makee."

Q. And after you came ashore what did you do?

A. Came ashore and discharged the "Makee"; then we took in the cable. We unload the "Makee," then we took in the cable.

Q. Well, you took in the cable. Why did you take in the cable?

A. Take it by the steam winch of the "Makee."

Q. I say why did you take it? How did you hap-

(Testimony of Tom Mason.)

pen to take in the cable? What made you do so?

A. Captain Miller's orders.

Q. Captain Miller tell you to take in the cable, or did you yourself take it?

A. We took it. Captain Miller says he will go and get the anchors down. He says, "You see to things and remember to get all your big blocks and tackles."

I did.

Q. About what time of the day was it when you began to take in the cable that Tuesday morning?

A. About eleven o'clock.

Q. You had a rest then? A. We have no rest.

[1247—403]

Q. You got in at five, Tuesday, and then you began to take the cable in at eleven?

A. Listen now. We discharged the cargo and got alongside the Hackfeld wharf. We took in the cable. I didn't have *not* time to rest.

Q. Then how many men were working with you at the time of taking in the cable?

A. We had the two gangs.

Q. Who were the bosses of these gangs?

A. Dick was the boss, the foreman, and I was kind of half-ass boss under him.

Q. How many men were there?

A. I couldn't tell you how many men we took out. I know how many men I had.

Q. How many men did you have?

A. I had thirty-seven.

Q. At that time you had the whole thirty-seven that you had before? A. Yes, the same men.

Q. Well, then, at eleven o'clock you got the cable

(Testimony of Tom Mason.)

aboard. From eleven o'clock what did you do?

A. Well, we took it aboard, we hove it and took it aboard.

Q. Mr. Mason, you said you started to put the cable on board at eleven o'clock. Tell us how long that took.

A. Took me three hours to take this cable in and this anchor.

Q. About two o'clock then? A. Yes.

Q. You got the cable on board. What did you do?

A. Eh?

Q. When you got this cable on board, what did you do with it?

A. We waited for an hour to get the anchor.

Q. Where was the anchor?

A. The anchor was down Iwilei in the yard.

Q. Yes.

A. Then when we came to the Hackfeld wharf we had to knock the Hackfeld gate down to get it in.

Q. And did you have anything to do with getting this anchor yourself? A. Yes.

Q. What did you do and your men? [1248—404]

A. When we got it off the wagon we put a strap on it and hoisted it up with the winch and land it on deck.

Q. Then what did you do next?

A. Then we was ready to go out. The inspector came and took the valves away from the machinery so that the "Makee's" propeller didn't go.

Q. Then you didn't go out on the "Makee"?

A. Yes, we got towed out.

Q. What towed you out? A. The "Mokolii."

(Testimony of Tom Mason.)

Q. About what time did you get out to the ship?

A. We got down there about six o'clock in the evening.

Q. What did you do then about this anchor, if anything?

A. Well, we got ready, hooked on the cable.

Q. Hooked the anchor on?

A. Hooked the anchor on the cable and hove it on to the blocks taut.

Q. What did you do about the anchor, if anything?

A. We dropped the anchor and lay over night. It was too late to put it from where the ship was.

Q. Then the anchor was not dropped Tuesday night? A. Yes.

Q. Then, what did you do that night?

A. Went on the "Celtic Chief."

Q. You did? A. We did.

Q. Your men also? A. Yes.

Q. When you got up on the "Celtic Chief," what did you do?

A. Well, we put on the straps, that is, the wire strap forward.

Q. What do you mean by the wire strapping forward? What is it? Describe it so the Court can understand.

A. We first went to work and put our straps, then we began to put the big tackles on.

Q. When you speak of the strap, what is it?

A. Right around the top.

Q. Where was that put?

A. On forward on the starboard side.

Q. About what place—can you locate it by any



(Testimony of Tom Mason.)

mast? [1249—405] A. Forerigging.

Q. Can you tell us where that strap was with regard to the mast?

A. About as far as from here to Olson here, from the mast.

Q. What mast was that? A. Foremast.

Q. Then the strap was rigged between the bit and the foremast? A. Yes.

Q. What was it made of?

A. Made out of iron. It isn't made out of wood, it was made out of iron.

Q. What do you mean—made out of iron? Was it a cable, steel rope, what was it?

A. I didn't tell about the steel rope, the bit.

Q. What was the strap made of?

A. Made out of wire.

Q. Then, when you got that strap on what did you do next?

A. We went back on board of the "Makee."

Q. How long did you work to get that strap on?

A. About an hour.

Q. Then you went on the "Makee." Anything else you did that night? A. No, sir.

Q. Then after you went aboard the "Makee," what happened? A. We waited around until morning.

Q. You got some rest then? A. Yes.

Recess.

Q. When did you go to work on Wednesday morning? A. On the "Makee."

Q. What did you do there? What were you doing Wednesday?

A. Hove up the anchor and went to the place where

(Testimony of Tom Mason.)

we dropped the big anchor, laid our cable.

Q. Where did you drop the big anchor?

A. Right astern of the "Celtic Chief."

Q. How far astern? A. Three hundred yards.

Q. What was attached, what was this cable attached to? What was the size of it?

A. Seven or eight inches thick.

Q. What was it made of, what material? [1250—406] A. Made out of steel.

Q. When you talk of a steel cable, how is it measured—by circumference or diameter?

A. Diameter, around.

Q. When you say diameter what does it mean?

Mr. STANLEY.—Let it appear on the record that he means circumference.

Q. Then this cable was seven or eight inches in circumference? A. Thick.

Q. Around? A. Around.

The COURT.—Do you mean around this way or thick through?

A. Around.

Q. And what did you do after you dropped the anchor with this cable on it?

A. Run it to the "Celtic Chief."

Q. Who was working with you on the "James Makee" that morning?

A. There was mate and Captain Miller, Wiesbarth, Captain Weisbarth, and several others.

Q. Where was Dick Clarke?

A. Dick Clarke was on board.

Q. Any other people on board except this man?

A. Plenty of them.

(Testimony of Tom Mason.)

Q. How many?

A. About ten or twelve on board the "Makee" that morning.

Q. After you dropped the anchor, what did you do?

A. Run it on the "Celtic Chief."

Q. What? A. Run it on the "Celtic Chief."

Q. How did you run it to the "Celtic Chief"?

A. With a boat.

Q. To the "Makee"? A. With a surf line.

Q. By what means did you use this surf line in connection with the cable? A. Yes.

Q. How did you use it?

A. We hauled it aboard.

Q. Was it attached to the cable?

A. That is attached to the cable. We hauled the cable over.

Q. Was the surf line attached to the wire cable?

A. The surf line was attached some place to the wire cable [1251—407] and hauled it over to the "Celtic Chief."

Q. And then what did you do?

A. Then we run a hawser from the stern of the "Celtic Chief" attached on to this cable, then we put the main tackle on.

Q. You've talked about a hawser; what was the size of that hawser? A. Twelve inch.

Q. What do you mean by twelve-inch hawser, through it or around it? A. Around.

Q. Was it a new one or an old one?

A. New one.

Q. Was it manilla or steel? A. Manilla.

Q. Then how was it attached to the cable, the steel

(Testimony of Tom Mason.)

cable. A. Shackled it on.

Q. What did you do next?

A. Hooked on, shackled the tackle to the other.

Q. You shackled the tackle to the other end. Then you had some tackle on board the "Celtic Chief"?

A. Yes.

Q. Who put that tackle? A. I was the one.

Q. Will you tell what tackle you had on the "Celtic Chief" at that time? A. Yes.

Q. What? A. It's a very big block.

Q. Describe it—what was it, what kind of tackle was it? A. Very big purchase; big purchase.

Q. How many blocks were there? What size blocks?

A. As much as four men to run one of them.

Q. How many sheeves in the blocks?

A. Three sheeves.

Q. In each one? A. Yes.

Q. What size ropes were in there?

A. Eight inches.

Q. Was it manilla? A. Manilla rope.

Q. Was it new or old? A. New ones. [1252—408]

Q. Now, when you had this, how did you rig this tackle on the ship and connect it with the cable? Describe that.

A. I have it on the bit and the foremast.

Q. One block on the bit and foremast?

A. Yes, over a kind of bridle for this tackle to hold on to the other.

Q. And is that where the fall was?

A. Yes, that's where the blocks was. The fall was



(Testimony of Tom Mason.)

run to the capstan.

Q. From that place? A. From that place

Q. Where was the—what was the other block of this tackle attached to?

A. Attached on the same fall after we hove it taut.

Q. There was another block on the main tackle, the first one? A. Yes.

Q. Where was that attached?

A. We have the main tackle, that is, the main blocks taut, then we rigged up another purchase.

Q. You have two blocks there, one forward and one aft on the ship. What block was connected with this cable on the anchor, how was it connected?

A. Shackled on to the hawser.

Q. Now, then, did you have any other lines than that?

A. That's only a tackle we had on the first.

Q. At first did you have any other lines at all attached between the ship and this hawser and cable?

A. We had a small wire, brand new, from the ship and attached from the hawser, from these blocks where we shackled the blocks on to the end of the steel wire and that was to help the hawser in case the hawser broke; the wire held it so we wouldn't lose our cable overboard.

Q. What do you call that? A. Eh?

A. What's that called in your business? Is there a name for that line? A. Which line? [1253—

409]

Q. The second line that you have just mentioned.

A. This steel wire?

Q. Yes.

(Testimony of Tom Mason.)

A. That is only prevention of the hawser from breaking.

Q. Is that called a bridle?

A. No, no; the bridle is a kind of a strap-like.

Q. After you got this tackle, first tackle attached between the bitts forward, a hawser attached to the cable, what did you do next?

A. We hove it taut.

Q. How did you heave it taut—by what means?

A. With the capstan.

Q. You then had it on the capstan?

A. We had it on the capstan and go around that capstan and heave it taut.

Q. And then what did you do?

A. Then we fleet another tackle.

Q. What does fleet mean?

A. Take a smaller tackle than that and haul her to the end where the other block is and put a kind of strap there and hook on to that, then hook on to this same bridle where the main block is, but little farther apart, so it wouldn't chafe, then run the fall into the capstan again and heave away on it.

Q. Then the second block and tackle begin to move?

A. We heave that and then we fleet another tackle, that is the third tackle.

Q. Now, wait a minute. This second tackle you speak of, what kind of blocks were they?

A. They was three sheeves, smaller ones.

Q. What was the size of the rope?

A. Seven-inch.

Q. What kind of rope?      A. Manilla.

Q. Was it new?      A. New one.

(Testimony of Tom Mason.)

Q. Then where did you say you took the second tackle and hove it taut? How did you heave it taut?  
[1254—410]

A. Hove it with the capstan.

Q. When you got that taut, what did you do?

A. Fleet the third tackle.

Q. How was that attached?

A. Attached on to the same bridle.

Q. The third tackle was attached to the fall of the second tackle? A. Yes.

Q. The head block was attached where? The forward block?

A. Well, these blocks were attached on to the same bridle, the same strap that the other led it to, the fall of this second block; then the fall of the three blocks went to the capstan again.

Q. Then what did you do when you got that rigged? A. Then we started to heaving away on it.

Q. What was the result? What are the blocks on the third tackle?

A. There was a double sheeve on the block.

Q. Double sheeve?

A. Double sheeve and there was three sheeves on the other.

Q. What was the size of the rope used in that?

A. Size of the rope, I think it was about four-inch fall on to it.

Q. Was it manilla? A. Manilla rope.

Q. Was it new or old? A. New one.

Q. When you had this rigged you began to heave away. What did you heave away with?

A. The same capstan.

(Testimony of Tom Mason.)

Q. What was the result?

A. Kept on heaving and when she got two blocks were fletted and catch another hold and heave in again.

Q. And you kept that going how long?

A. Well, we kept that going on—

Q. When did you start in rigging this tackle?

A. We started about little after six in the morning.

Q. Of Wednesday?      A. Yes.

Q. And when were you all ready with the third tackle?

A. The third tackle takes about nine o'clock, I couldn't exactly [1255—411] tell whether nine or eight.

Q. What did you do then after you got the third tackle ready?

A. We hove on the capstan. Keep on heaving and we taking in when they gets two blocks.

Q. Was this work continuous or not?      A. Eh?

Q. Was this work steady, continuous—steady or not?      A. Was the heaving steady?

Q. How long did you keep that up?

A. We kept that up from the time we got it ready to the time we got it off, the time we pulled the "Celtic Chief" off.

Q. Tell the effect on this cable, if anything, of the steel cable going to the anchor by this heaving.

Mr. OLSON.—I object on the ground it is answered; furthermore, on the ground it doesn't appear that the witness is qualified to answer.

Mr. WEAVER.—Withdraw the question. Did



(Testimony of Tom Mason.)

you notice at that time the hawser to the anchor line, anchor cable? A. Yes.

Q. What happened when you were doing this to the hawser attaching with the cable?

A. The cable was giving in all the time.

Q. The cable was coming in?

A. Yes, with much slack.

Q. You took in the slack?

A. Took in the slack.

Q. About what time? Did you, at any time, get that line in any other condition than slack? Did that line continue slack or not?

A. Well, we took in the slack and after we took in the slack the wire was taut.

Q. Now, what time did that, what time was that? Do you know about what time?

A. I couldn't exactly tell you.

Q. Was it daytime or night-time?

A. It was daytime when we got it taut.

Q. Was it noon or night or as near as Wednesday or what time?

A. That's all I know. When I got it taut it was taut. So taut we can't go around with the capstan.  
[1256—412]

Q. How many men were working on the capstan during this time you were taking in slack?

A. We have somewhere about fifty or sixty, double bunks.

Q. Sixteen? A. Sixty at a time.

Q. How many were working, actually working on the capstan?

A. Of course, I didn't go around and count how

(Testimony of Tom Mason.)

many men on the capstan, but I see men, forty or fifty, on the capstan at a time.

Q. Now, then, at any time up to the time this cable was taut, where was this hawser attached to the cable with regard to the "Celtic Chief's" deck?

A. It was coming near to the deck all the time, gradually.

Q. Did it at any time come in? A. What?

Q. Did it at any time come in, this hawser?

A. Of course, coming in all the time. When you heaving your capstan the slack of the purchase would bring it in to you.

Q. When you got it taut, where was the end of the cable in regard to the "Celtic Chief"?

A. Outside the starboard side of the chock.

Q. Long or short distance?

A. Pretty short distance from the stern. I couldn't tell you how many feet or how many fathoms away.

Q. Now, then, describe what you did after you got this cable taut, as you say. What did you do then after you got it taut?

A. Well, I was heaving on, keeping on heaving.

Q. And that continued how long?

A. We kept it going.

Q. Till what time?

A. Kept it on till about eleven o'clock or sometime around eleven o'clock.

Q. Who was with you on the "Celtic Chief" up to the time when—

A. There was Weisbarth. [1257—413] There is Miller, there is Capt. Haglund, was here on the poop

(Testimony of Tom Mason.)

with the rest of them. There is the pilot. There is Weisbarth with me. Dick, he was the foreman bossing the natives around and I was attending to those tackles, looking after those tackles some of that time.

Q. After you got it taut, after you got the hawser taut, was the condition of the cable the same or different, these purchase tackles?

A. The cable was taut as a fiddle string.

Q. How about the purchase tackles?

A. They had pretty good strain on all of them tackles. They had a good strain on.

Q. What did you do, if anything, with regard to renewing the power on these purchase tackles?

A. What?

Q. Did you, at any time, have to renew the power or do anything with regard to them?

A. I can't tell; no. Maybe you got to heave away on it.

Q. At any time up to the time the "Celtic Chief" came off, did you notice any difference to the strain on the purchase tackles?

A. I was standing next to the one they heaving on, right next to the after chock where the hawser was coming in. The hawser was raised up off the deck pretty high. I was standing there when the blocks dropped and everybody sing out, "The ship is moving," and we all hurried up, jumped on the poop and tried to get the wire clear, and at that time the "Arcona" was laying on top of our anchor and everybody sings out, "We're going to run into 'Arcona,'" and "Arcona" wasn't doing nothing.

(Testimony of Tom Mason.)

The officer was put on the "Celtic Chief" to fire off the signal. He hurried off his gun all at once.

Q. What do you mean by hurried off his gun all at once? A. Full speed, go ahead and full speed.

Q. You mean signals?

A. Of course, they hoist the two red lights and fired three times, that is, in order to [1258—414] start and to go ahead full speed.

Q. What number to go ahead?

A. He says go ahead. I don't know, I couldn't pay no attention. I heard the officers say when I fire—

Mr. OLSON.—I object to any hearsay testimony.

A. I heard the officers when I fire once that's to go ahead, I think two to go ahead, three full speed.

Q. And those three signals you saw fired all at once. Did you see any other signals at that time?

A. No.

Q. Do you know anything about a red light?

A. I didn't pay no attention. I was clearing my tackles away to get clear of the cable.

Q. What were you doing to get clear of your cables? A. I was unshackling.

Q. Unshackling what?

A. Pins of the shackle.

Q. As a result of unshackling what happened?

A. Got it out, dropped the cable overboard.

Q. Your cable went overboard? A. Yes.

Q. Anything else you did with regard to that? Any other lines that you know anything about?

A. That's all.

Q. At the time that you speak of you saw the pur-



(Testimony of Tom Mason.)

chase drop on the deck. Do you know anything about the two lines to the "Arcona"?

A. Yes, one at the starboard and one at the port-side.

Q. What do you know about them at that time?

A. They were slack.

Q. How do you know that?

A. Everybody was singing out the "Arcona" was doing nothing.

Q. You say you saw these lines at that time?

A. I saw them when I went on the poop. [1259—415]

Q. What time did you go on the poop?

A. Most of the time I'm working all around.

Q. Just how long before the three purchase tackles dropped on the deck as you spoke of had you seen these lines to the "Arcona"?

A. The "Arcona" was lying over straight to the stern of the "Celtic Chief."

Q. That is prior to the dropping of the purchase tackle or afterwards?

A. The time the "Arcona" came out there and got a hold with one wire about as thick as my thumb there,—they called it steel wire,—she just walked off that time and broke it. Then they took the two ends made fast again one on the port side and one on the starboard, and she went and dropped her anchor and she laid there and waited for the signal until high tide.

Q. Was she doing any pulling from the time she laid out her anchor to the time she broke her hawser?

A. From the time she busted that hawser the first

(Testimony of Tom Mason.)

time and after that she never done no pulling. She had a line fast waiting for the high tide and then she might start to pull.

Q. During the daylight could you see the "Arcona's" stern from where you were?

A. We could see her plain.

Q. What was the condition of the water about her stern? A. There was no stirring up.

Q. Do you know whether or not the "Arcona" had an anchor out forward?

A. It had his anchor forward and he was lying broadside to the "Celtic Chief" stern right on top of the Miller Salvage anchor.

Q. How were the lines of the "Arcona" going to the "Celtic Chief," fastened upon the "Celtic Chief"? A. How were the lines?

Q. Yes, these cables you speak of going from the "Arcona" back to [1260—416] "Celtic Chief" on each side. How were they fastened on the "Celtic Chief"?

A. One was fastened to the mizzenmast aft.

Q. Aft?

A. Through the chock on to the mizzenmast.

Q. Through the chock? Which one?

A. On the port side.

Q. And the other one?

A. The other one was on the bitt on the port side.

Q. Starboard? A. Well, the starboard side.

Q. Prior to the dropping of these purchase tackles on the deck of the "Celtic Chief" that night, did you notice any hawsers or cables going up to other vessels from the "Celtic Chief"?

(Testimony of Tom Mason.)

A. Well, there was the "Mikahala" tow-line.

Q. What other vessels were there?

A. Well, there's the "Likelike" and the "Helene."

Q. Did you see any tow-line going to them?

A. Yes, they had their lines out.

Q. And while you were tightening up this cable and working on it up to the time they dropped, did you notice any strain on any of these hawsers?

A. No, they didn't have time to take their anchor up and get out of the way.

Q. Which did not?

A. The "Mikahala" and the "Helene."

Q. How about the "Likelike"?

A. The "Likelike" was the same; they was taking their anchor up to get out of the way.

Q. What was the condition of the hawsers running to those three vessels?

A. After the ship came out they were slack.

Q. Before the ship came off what was the condition of the line? [1261—417]

A. They were pretty taut sometimes; sometimes slack on account of the boat coming back and forward.

Q. Were they pulling or not?

A. Them three ships was pulling.

Q. And what was the condition of their hawsers?

A. The lines wasn't taut, because the propeller turning around the force of the water, of course, the waves got more power to drive the vessel in and the hawsers were fastened to these ships like that.

Q. Could you observe all these lines? How could you see after dark all these things?

(Testimony of Tom Mason.)

A. They had their line there in the daylight.

Q. After dark?

A. Well, the search-light was there.

Q. What search-light?

A. "Arcona's" search-light. The "Arcona's" search-light was on the "Celtic Chief" considerable. They were playing the light all the time.

Q. Can you tell what pull these boats were making? How they were pulling? To what extent at this time, just before the "Celtic Chief" was noticed to drop the purchase tackles on deck?

A. When the tackle dropped on deck, the ship was going out to sea.

Q. Just before that time I'm asking you how these boats were pulling. A. They was pulling—

Q. Slow speed, full speed, half speed?

A. I don't know anything about that.

Q. When these purchase tackles dropped on deck there, the night of Wednesday, just before the "Celtic Chief" came off, I want to know at that time could you observe how much they were pulling?

A. I don't know. They might be slow speed, might be full speed. It's up to them, of course. I have no occasion to go around them steamers.

Q. Take the "Mikahala" line, if you remember, just at that time before the purchase tackles dropped, what was the condition of [1262—418] her line at that time, just before the "Celtic Chief" apparently moved?

A. Well, just the same as I told you, they was hitting just like that and sometimes is taut and sometimes is slack.



(Testimony of Tom Mason.)

Q. How far away from the ship, if at all, would this line strike the water, would the line to the "Mikahala" be out of water?

A. That was in the water, sometimes comes out of the water, sometimes drops right down on the skin of the water.

Q. What do you mean?

A. Ride with the ship on the sea. Sometimes the ship pulls forward, comes taut.

Q. How about the "Helene" and the "Likelike"?

A. The same way.

Q. Could you tell by any of the lines, "Mikahala," "Helene," and "Likelike" on board the "Celtic Chief," whether or not they were slack or taut?

A. I can't say they was taut or they was slack. They just riding the ship but ain't like you hauling tight, the ship got to ride, you see, with the sea.

Q. Now, then, about this salvage line, was that the same way? A. Eh?

Q. I asked you if the Miller Salvage line was in the same condition as this other rope?

A. No, sir.

Q. What is the difference, if any?

A. They had a more big anchor, that's a heavy boat and that's hauled taut by tackle, that purchase, that giving. That's the steady pull, there's no rising up and down.

The COURT.—Then it was the more taut, the cable? A. The cable.

Q. To the anchor or these lines to the "Mikahala," "Helene," and "Likelike"?

(Testimony of Tom Mason.)

A. The cable, Miller Salvage Co.'s cable was taut.

Q. Would it change with the seas or not? [1263—419] A. There is no change with the sea.

Q. Can you describe the condition of the cable at that time? A. Well, it was taut; was taut.

Q. Did you make any experiments with it or do anything to ascertain how taut it was?

A. By heaving the capstan all the time, make it taut.

Q. Did you make any observation with regard to the position of the "Celtic Chief" after you got your cable to the anchor taut? Did you take any sights at any time to get the position of the "Celtic Chief"?

A. I didn't have no time to look at no sights. I was tending to my work on the deck. There was different men who was taking sights. I don't know about taking sights. All I know that when I heard, see my ropes drop down on the deck and everybody sing out, "The ship is coming off," I went and run up on the poop to unshackle my wire, my cable off in in a hurry. I seen the "Arcona" that was pretty near. The "Arcona," we could look right on the deck.

Q. How far were you away from the "Arcona"?

A. That was no further than from here to the end of the room there.

Mr. WARREN.—To the wall?

A. To the wall where the clock is.

Mr. WEAVER.—Where was the "Mikahala" at this time?

A. The "Mikahala" was trying to get. Somebody sing out to cut the "Mikahala" line on the boat to get it clear.

(Testimony of Tom Mason.)

Q. What did you do, if anything, about the lines of the "Mikahala," "Likelike," and "Helene"?

A. I had nothing to do with their lines. I had to come up to clear my cables away.

Q. Up to clear your cables where?

A. On the deck.

Q. What did you do to them?

A. Looked to see if it would run into the "Arcona." [1264—420]

Q. What prevented, if anything did prevent, her running into the "Arcona," if anything?

A. It would have been better.

Q. What stopped it?

A. He just had time to get out of the way.

Q. The "Arcona" finally got out of the way?

A. Yes.

Q. Then what did you do that night?

A. Well, got our tackles. I got it all in place and take it on board the "Makee" the next morning.

Q. Now, I ask you about your first visit to the "Celtic Chief" when you were doing this laboring work you speak of. Did you notice any movement of the vessel then? A. I heard the pilot say—

Q. What you noticed, not what you heard said. Any movement of the "Celtic Chief"?

A. She was pounding up and down.

Q. How hard, to what extent?

A. Well, pretty hard.

Q. Could you tell from your observation at all, what part of the hull she was pounding?

A. Right in the center. Every time the sea strikes her she comes up and goes down heavy.

(Testimony of Tom Mason.)

Q. How often would that occur?

A. Pretty often.

Q. That first day, that Monday?

A. That first day.

Q. Could you give an idea what was the intervals of time that occurred?     A. Eh?

Q. How long a time would happen between the time she pounded?     A. How long a spell?

Q. Yes, how long a spell?

A. There's three big seas, three big waves, then a small wave.

Q. Now, the three big waves, what did they have to do with it?

A. The three big waves when they comes they lift the ship up and she comes down. [1265—421]

Q. Were they close together or far apart?

A. Far apart.

Q. How far apart in time?

A. I couldn't tell you. Never been measured how far the sea.

Q. Three big ones and a small one?

A. Three big ones and a small one. That is, they have a small one between these big ones.

Q. How long a time would occur?

A. About fifteen or twenty minutes.

Q. And how long did they last while you were out there on the ship?

A. It last pretty near all day. The sea was running pretty heavy all day.

Q. Do you know whether or not the "Celtic Chief" was maintaining her position at that time?

A. Changing?



(Testimony of Tom Mason.)

Q. Yes, was she changing her position at that time? A. That I couldn't tell you.

Q. Do you know whether she was going forward or backward? A. Eh?

Q. Do you know whether she was going forward, in towards the shore?

A. I heard the pilot say she moved in twenty-five feet.

Mr. WARREN.—I think the question is getting a little too leading.

Mr. OLSON.—I move to strike the last answer.

The COURT.—The last answer may be stricken.

Q. What was the direction of this swell that you spoke of with regard to the fore and aft line of the "Celtic Chief"? A. Fore and aft line?

Q. The line of the "Celtic Chief" which pointed toward the shore. Now, what direction was the swell with regard to that line? A. What line?

Q. Keel, the keel line of the "Celtic Chief." [1266—422] On which side of the keel was this swell coming? A. Right under her.

Q. Could you tell on which side, starboard or port?

A. I didn't have no time to look where the sea was coming. She was lying stern to the sea.

Q. The second time you were there, did you observe any movements of this "Celtic Chief"? What did you observe?

A. She was still pounding and the swell was lifting her up.

Q. How was it, that pounding, in relation to the pounding on the first day? A. The same.

Q. How long did that continue on Tuesday, if you

(Testimony of Tom Mason.)

know? A. Well, all day,

Q. Did you observe any change in the position of the "Celtic Chief"? A. Lifting her up?

Q. Do you know whether or not she was—was she moving, alter her position of the prior day, in any way—that day you went back there on Wednesday?

Mr. MAGOON.—What was your answer to that question, Mr. Mason, whether or not you observed any change in the position of the ship on the second time?

A. I didn't take notice that she had changed any. In the same position all the time.

Mr. WEAVER.—And the third day, did you notice any motion of the "Celtic Chief"? What was it?

A. I heard the pilot say she moved off fifty feet.

Q. I want to know what you know.

A. That's all I know. When I hear a man saying she moved in fifty feet I take a notion of that.

Q. I'm asking you what you know.

A. I know that Captain Miller told me—

The COURT.—This testimony with regard to what the pilot and captain said, referring to the coming off of the "Celtic Chief," is stricken.

Q. I want to know of anything with regard to the moving of the ship on Wednesday. Did that same state of things continue on Wednesday? [1267—423]

A. Same, she was still pounding, she wasn't lying still, she was pounding all the time.

Q. How severe was it on Wednesday? Was it the same or not as prior to that day?

(Testimony of Tom Mason.)

A. It might be the same. Of course I—

Q. Was it the same? Was it the same or more severe?

A. Might be the same. Of course, I can't tell the difference because I see the ship was shaking every time she goes down.

Q. Did you observe anything like this while you were arranging these tackles of the "Celtic Chief" on the first day?

A. She was still apounding when I had the tackles on.

Q. When you observed these tackles early on the night of Wednesday, did you observe any other motion of that vessel?

A. After she start to move, after the tackle fell down that's all I know.

Q. Did you observe anything then?

A. Then I know that the vessel was out.

Q. How do you know that she was moving off?

A. She moved out to sea, then she didn't pound no more.

Q. Prior to moving to sea, did you observe any motions whatever of that vessel? Could you tell by your senses any difference from the motion of the vessel except this pounding?

A. About moving or—

Q. Anything. How do you know she was moving?

A. When she started to go she went.

Q. How do you know it?

A. She went when I saw the blocks come down.

Q. Did you have any sense or feeling in any way by which you could judge?

(Testimony of Tom Mason.)

A. She was coming. A man could know when the ship is coming out and everybody singing out, "The ship is out."

Q. How long after the blocks fell was this boat off the reef altogether? How long? [1268—424]

A. At the time she—

Q. From the time the blocks fell to the time she was off the reef?

A. When she jumped off the reef didn't take us three-quarters of an hour to get everything out and get everything clear.

Q. No, no, you don't understand me. From the time the blocks fell to the time she was entirely clear of the reef, how long was it?

A. I don't know what you mean.

Q. When did you observe the "Celtic Chief" moving seaward?

A. I know when my blocks fell down the ship started to go.

Q. From that time of the start to the time she was free? A. She is free then.

Mr. OLSON.—She came off at once?

A. Came at once.

Mr. WEAVER.—Now, then, when did you first observe the "Celtic Chief" moving?

A. "Celtic Chief" what?

Q. When did the "Celtic Chief" begin to move seaward?

Mr. OLSON.—I think the question has been answered several times.

The COURT.—Objection is overruled.



(Testimony of Tom Mason.)

Q. When did the "Celtic Chief" first begin to move seaward?

A. That was the time when the block fell down.

Q. Then you think the "Celtic Chief" began to move seaward and went off all at once?

A. My opinion is she started to move when they says, "She's going out." She didn't come bumping like that.

Q. From the time this vessel first began to move, how long was it before, in your judgment, she was free of the reef entirely?

Mr. OLSON.—If the Court please, this question has been asked four or five different times.

The COURT.—The objection is overruled.

Mr. OLSON.—In the first place, I object to the question on the ground it has been asked and answered several times, fully [1269—425] and clearly in direct examination, and that counsel are not entitled to go on questioning the witness from time to time when the answer has been answered or given. Furthermore, I want the record to show that I asked the opportunity of the Court to present my reasons, to argue it and the Court denied it.

Q. From the time of the very first movement until she was free from the reef, how long did that take?

A. She started when my tackle blocks fell down. That's the time I see her move. It didn't take about fifteen minutes until she was looking over the "Arcona's" stern.

Mr. OLSON.—It didn't take what?

A. It didn't take fifteen minutes before we was looking over the "Arcona's" stern.

(Testimony of Tom Mason.)

Q. Do you know whether or not any damage occurred to the "Concord" or the other Miller Salvage boats while you were working on the "Celtic Chief" on Monday or Tuesday?

A. I don't know any damage on the "Concord" because I wasn't working on her.

Q. Do you know of any damage done to any of the vessels?

A. There was a little damage on the "Naimilo."

Q. What was done? You know of your own knowledge.

A. Yes, that was the only ship I was working on.

Q. What was done?

A. One of the chock pulled out of the side.

Q. Top pulled out of the side?

A. Chock, where the line is.

Q. Anything else?

A. That's all I know. Broke the hawser that was fastened to it.

Q. Was there anything else? A. That's all.

Q. Was there any damage done on Tuesday to any vessel you know of?

A. No, didn't take no notice of it.

Q. Have you ever done any salvage before this time? A. "Mirowira." [1270—426]

Q. Where was that? A. Out the harbor.

Q. How long ago?

A. That's good while ago, the time the "Miro-wira" was ashore here out on the reef here.

Q. And what did you do with regard to that? What experience did you have then? A. Eh?

(Testimony of Tom Mason.)

Q. What experience did you have then with salvaging?

A. That expert man came down here and they hired us to work with him.

Q. Who was this man? A. Medcalfe.

Q. What did you do?

A. Labor, laboring, helping.

Q. How many days were you working with him?

A. What?

Q. How many days did you work with him?

A. Two days.

Q. What kind of apparatus did she use to salve?

Mr. OLSON.—I object to the question on the ground that it is incompetent, irrelevant, and immaterial.

The COURT.—I overrule the objection.

Mr. STANLEY.—Note an exception.

Q. What experience in salvaging did you have while you were on the "Mirowira." Describe it.

A. I was working with Medcalfe handling ropes and blocks and tackles and at the same time when I was working for him I was just taking in sights, how they rigged the cable up, putting in my mind if there is any occasion of putting a tackle like that I am, I know little more what I know before.

Q. What apparatus did you use to salve her, what machinery?

A. We didn't have no machine; just common labor.

Mr. OLSON.—I object on the ground it is incompetent, irrelevant, and immaterial what kind of apparatus they used on the "Mikahala."

(Testimony of Tom Mason.)

Mr. WARREN.—Same objection. I'd like to have an understanding on the record, whether or not, your Honor, this evidence is admissible solely for the purpose of showing experience and not admissible as evidence of the apparatus used. [1271—427]

Mr. WEAVER.—On behalf of the Miller Salvage Co., it is agreed that the questions propounded to the witness in regard to the salvage of the "Miro-wira" are for the purpose of establishing the experience of the witness in such salvage.

Mr. WARREN.—I make the same objection as Mr. Olson made.

Mr. WEAVER.—And not for the purpose of showing any skill of Miller Salvage Co.

Mr. WARREN.—Not for the purpose of comparing methods.

The COURT.—Not for the purpose of saying that because they pulled this former boat off the reef, I take it simply that you are trying to prove that that man had experience in that kind of business.

Mr. OLSON.—Is the objection overruled?

The COURT.—Yes.

Mr. STANLEY.—Note an exception.

A. Well, I was a common laborer on her when Medcalfe had his cable down.

Q. What did he have in addition to a cable, if anything?

A. The same anchor what we got down, the Miller Salvage Co.

Q. Big one or little one?      A. Big one.

Q. How big?



(Testimony of Tom Mason.)

A. I understood from Medcalfe—

Mr. OLSON.—I object if the witness is going to state what someone else said about this anchor.

Mr. MAGOON.—Yes, we don't care about that.

The COURT.—State what you observed or saw about the anchor.

A. By my guessing, the anchor ran up from six to seven pounds.

Q. This same anchor used in the second case, the case out here? A. The same anchor we got now.

Q. What other machinery did you have to apply to this cable? A. In the "Mirowira"?

Q. In the "Mirowira."

A. That was rigged in the same way I was rigging on the "Celtic Chief."

Q. With treble blocks?

A. Treble blocks. [1272—428]

Q. And three of them?

A. Yes, and put up in the same way as the "Mirowira."

Q. Could you tell me about the seas during the "Celtic Chief's" stranding there Tuesday and Wednesday? Was the sea Tuesday and Wednesday, the same as Monday?

Mr. OLSON.—Object to the question; it has been asked and answered.

The COURT.—I allow the question.

A. Shall I answer it?

Q. Yes.

A. The sea was pretty regular that Monday morning.

Q. How was it Tuesday?

(Testimony of Tom Mason.)

A. As I took notice of it it is just the same.

Q. How about Wednesday?

A. Wednesday about the same.

Q. What was the wind during that time, Monday, Tuesday, and Wednesday?

A. Was pretty light wind.

Q. From what direction?

A. From seaward, trade winds.

Q. After the purchase tackles dropped on the deck of the "Celtic Chief" that night, Wednesday, did you notice any difference in the condition of the steel cables going to the "Arcona" from the "Celtic Chief"? A. What is the difference?

Q. Yes, after your lines dropped and the "Celtic Chief" began moving off, did you notice any difference in the cables to the "Arcona"?

A. The "Arcona" line, I told you before when the ship was off the reef there the line was slack.

Q. Then what happened after the ship was off?

A. That is taut when she hove away. She got out of the way and commenced pulling.

Q. Then she began to pull and pulled taut?

A. Pulled taut. Then she had the whole weight of the ship dragging her then.

Q. What vessel, if anyone, towed this "Celtic Chief" off the reef? [1273—429]

The COURT.—Didn't he cover that already?

Q. I want to know what happened when this "Arcona" kept these lines taut.

A. She bring her away.

Q. Where? A. She towed her to the bell buoy.

Q. Then what happened?

(Testimony of Tom Mason.)

A. They dropped the anchor.

Mr. WEAVER.—That's all.

Cross-examination of TOM MASON on Behalf of Libellee.

Mr. OLSON.—Q. Mr. Mason, I understood you to say on direct examination that the Miller Salvage Company's line was kept good and taut from the time that you first got in all of the slack until the time that the tackles dropped? A. Yes.

Q. And the ship came off the reef? A. Yes.

Q. That's correct, is it?

A. (Witness shakes head to indicate, "Yes.")

Q. Where were you when the tackles dropped like that?

A. I was standing right by the poop, on the poop. The block—

Q. On the main deck? A. On the main deck.

Q. Which is forward of the poop deck?

A. Which is just forward.

Q. The poop deck is seven or eight feet, is it not up above the other decks?

A. It's about seven or eight feet.

Q. You were somewhat near the capstan?

A. I am all over the ship.

Q. But I say at the time that the blocks dropped like that?

A. No, sir, I was right down by the blocks there. I was ready to fleet. I wanted to fleet because the block was two blocks.

Q. Were you near the break of the poop?

A. Just right under the poop. [1274—430]

Q. Just under the poop?

(Testimony of Tom Mason.)

A. Yes, the poop was there and I was just right here with the tackle, about forty feet away from the poop.

Q. You were standing on the main deck alongside of the block? A. Yes.

Q. And all of a sudden it dropped?

A. And all of a sudden it dropped.

Q. And the "Celtic Chief" slipped at once into deep water? A. Yes.

Q. Then you marched up on to the poop?

A. Ran up on the poop—didn't march up—ran up on the poop to get the gear clear.

Q. When you came up there you were almost down on the "Arcona"? A. Yes.

Q. Now, it didn't take fifteen minutes from the time that block dropped until you got on top the poop?

A. When I got on the poop, might be fifteen or twenty minutes.

Q. You rushed right on the poop from the deck?

A. I rushed there when they sang out, "Clear the cables."

Q. There are some steps, are there not, going up from the main deck? A. Yes.

Q. And you were twenty-five or thirty feet from the poop? A. Yes.

Q. And that poop is seven or eight feet high?

A. Yes.

Q. How long is that poop deck, should you say?

A. How long?

Q. How far is it from the break of the poop to the stern? A. I take it it is about fifty feet.



(Testimony of Tom Mason.)

Q. You rushed right up there as fast as you could?

A. I ran up there.

Q. As fast as you could? A. As fast as I could.

Q. When you got up there you went down on the deck?

A. In order to see the poop of the "Arcona."  
[1275—431]

Q. You didn't know that it took you fifteen minutes, the quarter of an hour to go from the main deck to the poop? A. No.

Q. Didn't take you more than half a minute?

A. Didn't take me more than a minute.

Q. By the time you got up there the "Celtic Chief" was in deep water? A. She was that.

Q. From the time the "Celtic Chief" started to move until she was in deep water, it was perhaps half a minute or less? A. I couldn't tell you how long.

Q. But it didn't take more than half a minute to go up from the main deck?

A. Didn't take me that.

Q. It didn't take any longer for the "Celtic Chief" to go off from the reef to deep water?

A. When the time she slide off of course the block fell down. Everybody sing out, "The ship is in deep water now," so I rushed up on the poop.

Q. And was she already in deep water?

A. She was afloat. It might take fifteen or twenty minutes.

Q. You mean it took you quarter of an hour?

A. It didn't take me quarter of an hour.

Q. Did you mean to say it did?

A. I say, from the time the block fell down. We

(Testimony of Tom Mason.)

were busy clearing these cables away. We could see the "Arcona's" stern plain. We could look right on top of that boat.

Q. Now, we want to get very clear, a very clear explanation from you of just how long it took, in your opinion, from the time she first started to move, that is when the block dropped, until she was in deep water. Do you mean to say it took fifteen minutes?

A. Took us fifteen minutes to clear our things up.

Q. You don't mean to say it took fifteen—

A. I do not mean it took the "Celtic Chief" fifteen minutes to jump out of the reef.

Q. It went at once, didn't it? [1276—432]

A. She went, she slide off.

Q. By the time you got the decks clear and in shape so that the "Arcona" could tow her out into deep water, it would take about fifteen minutes?

A. Fifteen or twenty minutes.

Q. As I understood you, Mr. Mason, the first indication that you received that the "Celtic Chief" was starting to move, was *one those* blocks suddenly dropped; is that right? A. Starting to move?

Q. Yes, that is the first you knew of her going off?

A. Yes.

Q. Then the blocks suddenly dropped and she was off into deep water?

A. She was off then, she slides off.

Q. At once? A. At once.

Q. Then the pounding movement stopped?

A. The pounding movement stopped.

Q. Now, Mr. Mason, if there had been any decided or great movement on the part of the "Celtic Chief"

(Testimony of Tom Mason.)

coming in fifteen or twenty minutes before that time, you would have noticed it, wouldn't you?

A. Of course, a man running around and working and keeping himself busy, he don't take no notice if the ship been move before that, but if I see that the block drop, that's the time I know the "Celtic Chief" was off, and everybody sing out, "The ship was off."

Q. If she had taken a jump fifteen or twenty minutes previous the blocks would have dropped?

A. Might be if she jumped far enough.

Q. If she jumped ten or fifteen minutes?

A. Them blocks would slack down.

Q. Did you notice that they did that at any time?

A. No, no; that's only the time that she came down.

Q. They were not slack down from the time you first made her taut to the time the blocks suddenly dropped? A. Yes. [1277—433]

Q. You were about there around those tackles all of the time? A. I was there back and forward.

Q. You had charge of the tackles? A. Yes, sir.

Q. Now, then, according to your judgment, Mr. Mason, as you observed the "Celtic Chief" wasn't moving, coming gradually off the reef, noticeably coming off the reef for half an hour before she came off? A. I never took no notice of it.

Q. You would have noticed that?

A. If I was aholding still in one place, but a man moving around and busy, he wouldn't have time.

Q. You knew nobody to say she was moving?

A. No.

Q. You saw Captain Miller? A. Yes.

Q. You saw Mr. Haglund? A. Yes.

(Testimony of Tom Mason.)

Q. And Captain Weisbarth? A. Yes.

Q. None of them notice any movement?

Mr. WEAVER.—I object to that, if your Honor please.

Mr. OLSON.—I withdraw the question. Did any of those men, Mr. Haglund, Mr. Weisbarth, or Captain Miller, speak of noticing the "Celtic Chief" come off? A. Not that I heard.

Q. They did not? A. I never heard it.

Q. They were all around there all the time?

A. Captain Miller was up on the poop sometime; sometime we didn't see him at all.

Q. Captain Weisbarth was there?

A. Captain Weisbarth, sometime he was up with the capstan pushing the men ahead, sometime he goes around to the block, give us a help there.

Q. Now, Mr. Mason, how far aground do you think the "Celtic Chief" was as she lay there Wednesday night? A. How far?

Q. How far aground?

A. She was aground her bow [1278—434] or midships or her whole length?

Q. I couldn't tell you. I know the bow was pretty, we could see the sand, white sand spreading out on the water.

Q. Isn't it a fact, Mr. Mason, that she was also aground at her stern?

A. I haven't taken notice.

Q. She was aground her whole length?

A. She might be.

Q. You think she was? Do you think she was aground for her whole length? A. I don't know.



(Testimony of Tom Mason.)

Q. Even though you are a seafaring man, Mr. Mason, you don't know whether or not she was, you have no idea? A. I couldn't see.

Q. You didn't take any notice about her at all?

A. No, not on deck.

Q. Now, when this jump came, did you see Captain Miller about that time when the blocks dropped like that?

A. That's the time I saw everybody on the poop.

Q. Did you see Captain Miller?

A. I saw Captain Miller but he gave me no orders.

Q. Now, just before those blocks dropped, had you had any orders from Captain Miller?

A. No orders from Captain Miller at all.

Q. You were around there tending to the tackles, you were the man in charge of the tackles?

A. I was the rigger.

Q. You were the man to see that those tackles were properly worked? A. Yes.

Q. You were giving orders to the men at the capstan also?

A. Me and Weisbarth and Dick, Dick Clarke.

Q. You didn't hear Captain Miller about fifteen or twenty, anywhere from fifteen or twenty minutes to half an hour before these blocks dropped and the "Celtic Chief" came off, give orders to anybody?

A. Give orders to the men, never give me orders because I know what to do; he leave it [1279—435] all to me to tend to them tackles.

Q. And he didn't order you to make any special pull at that particular time? A. Eh?

Q. He didn't order you anywhere from half an

(Testimony of Tom Mason.)

hour to twenty minutes before the "Celtic Chief" came off?

A. He gave it to the other people. He sing out, "Heave away." He said, "Go ahead; keep on."

Q. When was this?

A. Well, might be a hour but I didn't see Captain Miller very often.

Q. He would come around there once in a while?

A. He comes around; he don't come to bother me. He talks with Weisbarth and the other people but he don't come and bother my work, you know.

Q. Now, Mr. Mason, when you got the line taut in the afternoon or Wednesday or about noon, whenever it was, and you started to heave in on that capstan, that is in order to put a strain on that line, did you come to a point where you couldn't make that capstan work any more?

A. Never; we always took in gradually all the time.

Q. The whole evening?

A. The whole evening.

Q. That capstan was going the whole evening, round and round? A. Around.

Q. Heaving in tackle? A. Yes.

Q. That kept on from noon on Wednesday until about midnight of Wednesday? That's correct?

A. Correct.

Q. For about ten or twelve hours constantly heaving in on that capstan?

A. Not fast; slowly. Before we walked around pretty fast, after we got the tackles taut we go gradually, easily with it.

Q. You could always get some more?

(Testimony of Tom Mason.)

A. Always coming in, a little at a time.

Q. Did you use the winch at all?

A. The steam winch? [1280—436]

Q. Yes.

A. Oh, yes, we used the steam winch before the captain comes and take the winch away from us.

Q. When was that?

A. Well, that was about two or three hours before we—not exactly, might be two or three hours.

Q. When? A. In the afternoon.

Q. About two or three o'clock, was it?

A. Might be three or four.

Q. Then you were not using the capstan part of that time?

A. We had it fifteen or twenty minutes around this winch and the captain come around and he says, "Here, you can't use that"; we have to lead it to the capstan again.

Q. Now, when you came out there on Monday morning, that would be about what time?

A. We got out there somewhere about ten.

Q. Ten o'clock? A. Ten o'clock.

Q. And there was a pretty heavy sea that was running? A. Yes.

Q. What kind of a day? A. Fine day.

Q. Fine day?

A. Fine day, but there was heavy swells running in.

Q. How high were those swells running, would you say? A. Pretty high.

Q. How many feet? A. I couldn't tell you.

Q. Ten or eleven feet? A. I couldn't tell you.

(Testimony of Tom Mason.)

Q. More than that?

A. I couldn't exactly tell you because I haven't ever measured it.

Q. Have you no idea?      A. Quite a swell.

Q. Two or three feet?

A. Might be two, three or four feet.

Q. Isn't that an ordinary swell out there?

A. There's a bigger swell than that.

Q. Bigger swell prevailing?

A. Yes. [1281—437]

Q. There are bigger swells out there sometimes?

A. When you see a swell that breaks over it's a big swell.

Q. Was it breaking over that day?

A. It was running and breaks ahead at the bow.

Q. Can't you calculate whether or not in your judgment that was running more than two or three feet high?

A. Might to be two, three, four, or five feet. It was a big running swell.

Q. Any difficulty in your vessel getting alongside of the "Celtic Chief"? Was there any difficulty or trouble in getting alongside?

A. We had a bit of trouble getting her alongside, getting the "Kaimiloa" alongside.

Q. And it was just as rough on Tuesday as on Monday?

A. Might be a little better; I don't know. It seems to me.

Q. And quite as rough on Wednesday as on Monday and Tuesday?

A. Well, it might be a little smoother; it might be



(Testimony of Tom Mason.)

a little smoother.

Q. You didn't take much notice?

A. I didn't take much notice, but I saw the swell running in from the sea.

Q. The ship was pounding, as I understand you, Mr. Mason, when you came up on the poop you noticed, then, that the "Arcona's" lines were hanging how? A. Slack.

Q. Absolutely slack and she wasn't turning her propeller?

A. I couldn't tell if she's turning over or not because she was lying port side.

Q. Was the "Celtic Chief" ahead of the "Arcona"? A. We came out out that way.

Q. What did you head for?

A. Head for her stern first.

Q. And if you had run into the "Arcona" you would be likely to hit her? A. Sure.

Q. On the quarter? A. On the quarter.

Q. Which quarter?

A. Port quarter. [1282—438]

Q. Into the port quarter of the "Arcona"?

A. Yes.

Q. That's where you would have struck her, the "Celtic Chief" would strike her?

A. She didn't have no power to go ahead to hit the "Arcona."

Q. Did the "Mikahala" pull the "Celtic Chief" to a side? A. The "Mikahala" was cut out.

Q. The "Mikahala" did not pull the "Celtic Chief" to the side? A. No.

Q. The "Celtic Chief" naturally came to a stop

(Testimony of Tom Mason.)

before reaching the "Mikahala"?

A. Before reaching the "Mikahala."

Q. Then the "Arcona" got up steam and she got the "Celtic Chief" in tow, stern to the "Arcona"?

A. Yes.

Q. You know, do you not, that the "Arcona" was anchored out ahead? A. How?

Q. You know that the "Arcona" was anchored ahead?

A. If ever the anchor dropped over she must have had it ahead.

Q. Don't you know that she did?

A. If the anchor was dropped over she had anchored.

Q. Can't you answer me yes or no? Do you know whether or not she had an anchor out ahead?

A. She had her anchor out ahead; she would not—

Q. You were out on the "Celtic Chief" the afternoon of Wednesday, the whole afternoon?

A. Yes.

Q. You saw, did you not, where the "Arcona's" line was first the single line? A. Yes.

Q. You saw when they afterwards repaired that and spliced that line and put the second line on?

A. They ran the same lines, the same two lines.

Q. Same wire? A. Same wire.

Q. And then they ran a second one?

A. They ran another one. [1283—439]

Q. The one was to the starboard and the other to the port; is that not correct? A. Yes.

Q. Didn't you notice, Mr. Mason, that when they did that they brought the lines into position and ad-

(Testimony of Tom Mason.)

justed them so that the "Celtic Chief," lying as she did, the "Arcona" was directly astern to her?

A. Astern?

Q. Yes.

A. If you had two lines like a bridle line like you ride a horse, if you had two lines like that and had your ship ahead.

Q. You noticed, did you not, Mr. Mason, that the "Arcona" did adjust those lines so as to get their lengths about the same?

A. Might be she had the lines in length, but she wasn't doing nothing at all.

Q. I'm asking you if you didn't notice that the "Arcona," when she had put those two lines aboard the "Celtic Chief," adjusted them and brought them to an absolutely taut position? That didn't happen or did it? A. Didn't happen.

Q. Just put her lines aboard and they hung slack there? A. Yes.

Q. She didn't even drag them out of the water?

A. She didn't.

Q. She wasn't turning her propeller?

A. I couldn't tell you. My judgment is, when the ship was lying that way and the stern of the "Celtic Chief" was that way, she wasn't doing any turning over at all.

Q. That's the reason why you *she* she was lying quiet? That's the reason why you think the "Arcona" had been doing no pulling at all, because when you came off the reef you pretty nearly struck her on the quarter?

A. Her lines were slack from the time she dropped

(Testimony of Tom Mason.)

that anchor to the time we got the vessel off. That is the time I see them start up.

Q. When you were up on the poop deck after the "Celtic Chief" had got off the reef, you saw that the "Arcona's" lines were [1284—440] slack?

A. Were slack.

Q. And you saw also that the "Celtic Chief" was coming up close to the quarter of the "Arcona"?

A. She was.

Q. And for that reason then you came to the conclusion that the "Arcona" was not pulling because if she had been pulling she would be—

A. Going ahead.

Q. So she could not have been pulling for that reason? A. No.

Q. That's the reason you think so? A. Yes.

Q. Now let's see; you were on the main deck, were you not, when the blocks fell to the deck suddenly?

A. Yes.

Q. Can you tell me where you had been for the several minutes previous to that time? A. Eh?

Q. Where had you been for the several minutes preceding that time? Where had you been just before that? A. I was up around the capstan.

Q. The capstan was back amidships?

A. It's right up to the bow.

Q. It's up to the bow of the vessel? A. Yes.

Q. You had been up there?

A. Been up there, and all of a sudden we were going to fleet the tackle around just when the ropes dropped. I got the rope ends, a whole turn of the rope for tying my falls up before they fleet before



(Testimony of Tom Mason.)

they let go from the capstan.

Q. Then the blocks dropped?

A. The blocks dropped.

Q. And she was off? A. And she was off.

Q. The vessel is over 250 feet long, is it not, the "Celtic Chief"? A. I haven't measured it.

Q. Wouldn't you judge so?

A. Might be. [1285—441]

Q. And the capstan was up at the bow of the vessel? A. Yes.

Q. And you had just come from the capstan, down from the poop? A. Yes.

Q. In order to take care of the tackles there?

A. Yes.

Q. How long had you been to the capstan before that?

A. I didn't stay very long, maybe five minutes.

Q. But you think you had been to the capstan about fifteen or twenty minutes before?

A. Might have been over fifteen or twenty minutes.

Q. But you think you had been there?

A. Might be.

Q. Cannot you try and remember? Don't you think you had been about fifteen or twenty minutes before when you answered the question?

A. I was just thinking might be I was there about fifteen or twenty minutes.

Q. You had been around the main deck, at any rate, fifteen minutes or half an hour before the vessel came off? A. Yes.

Q. Do you remember how long before that it had been that you had been on the poop, up there when

(Testimony of Tom Mason.)

Captain Miller way?

A. I don't recollect being up on the poop very often. Once in a while I go forward to see my tackle; sometime I take a walk up to the cabin poop to see my cables was still taut.

Q. How long before do you think it had been since you had been on the poop before the tackle was dropped? A. About half an hour or so.

Q. Now then, Captain, the bulwarks are about four and a half feet high, aren't they, on the main deck, the sides of the vessel? A. Yes.

Q. And there is a good deal of superstructure up forward on the main deck toward the bow?

A. Yes. [1286—442]

Q. What is there on the main deck?

A. There is a windlass there.

Q. What is there?

A. A very big windlass for heaving the anchor.

Q. And the engine-room?

A. No, house; forecastle.

Q. And the poop is up about seven or eight feet?

A. Yes.

Q. And the bulwarks rails from the main deck up to the poop? A. Yes.

Q. So that you've got a side of the vessel running to the main deck clear around the stern?

A. Clear around the stern.

Q. Where was that chock where the line of the "Arcona" came through, the forward line on the port side? A. Crossing underneath our blocks.

Q. Just about the break of the poop?

A. Yes, fastened on to the main mast.

(Testimony of Tom Mason.)

Q. And the "Arcona's" line on the starboard side came through the chock on the other side, did it?

A. Might be.

Q. On the main deck?

A. Of course, I haven't noticed. She might be fastened there and she might be out.

Q. You don't know where it came through on the port side. Now then, will you explain, Mr. Mason, how it was that you could see lines of the "Arcona" prior to the time during that half hour or so when you were on the main deck there prior to the time that the blocks dropped and the "Celtic Chief" came off, if the bulwarks rose up four and a half feet high and the poop up seven or eight feet high and you had the house between the deck of the vessel and the poop of the vessel, how could you see those lines from where you were?

A. I did see them up on the cabin deck. I saw them lines hanging.

Q. That was half an hour or so before?

A. That was half an hour or so before. [1287—443]

Q. From that time until the time she came off the reef, you didn't see those lines?

A. They was under the water.

Q. You didn't see them, did you, at all?

A. Didn't see.

Q. Can't you answer my question, during the half hour or so from the time you left the poop deck until you came down to the tackles, did you see those lines at all or lines of the "Arcona"?

A. I didn't see them at all.

(Testimony of Tom Mason.)

Q. So you don't know under what condition they were in for half an hour or so?

A. Well, I don't know.

Q. So that as far as you know those lines might not have been attached to the vessel at all?

A. It was attached to the vessel and running overboard. I saw from the stern of the "Arcona."

Q. By the way, you see right away the poop deck?

A. I saw it from the deck.

Q. How long before was that?

A. Half an hour or so before.

Q. After that you didn't see them at all?

A. I seen the line in the "Arcona" come there and busted the line and she went to anchor and got them two cables on. That I know that she got them on.

Q. Got that?

A. I know she got them on and they was on there before the time.

Q. Do you know the condition of those lines?

A. They were slack.

Q. But during this half hour you didn't see those lines?

A. I saw them on the cabin deck. I saw them again, was still hanging.

Q. That was half an hour or so before.

A. I was busy working getting the gear out of the way.

Q. And you didn't notice those lines?

A. I never took notice until the "Arcona" ran away with the ship.



(Testimony of Tom Mason.)

Wednesday, August 16, 1911. [1288—444]

Q. Mr. Mason, where did the Miller Salvage Co. line pass, over the side or the stern of the "Celtic Chief"? A. Cable?

Q. Yes. A. Passed over on the starboard side.

Q. On the starboard side?

A. Starboard chock.

Q. The Miller anchor line? A. Yes, sir.

Q. Did it go through the starboard chock?

A. Yes, sir, in the after chock.

Q. Now, just where is that starboard chock located on the starboard side of the "Celtic Chief"? What is the position of it?

A. The position is at the stern.

Q. How's that?

A. Starboard stern, laying just like that on the starboard stern.

Q. Did it go through a chock or not?

A. Went through a chock.

Q. What? A. Went through a chock.

Q. On the starboard quarter?

A. On the starboard quarter.

Q. Will you state whether or not that chock was on, through the bulwark on the main deck or over the poop? A. From the stern of the poop.

Q. Then it wasn't through the starboard chock?

A. It wasn't through the starboard chock.

Q. It was not through the starboard chock?

A. It was on the stern of the vessel.

Q. The cable passed over the poop deck?

A. Passed over the poop deck.

Q. Did any of the tackles, any of the blocks go up

(Testimony of Tom Mason.)

as far as the poop deck, or were they all on the main deck? A. They were all on the main deck.

Q. It was simply that the anchor line itself passed over the poop deck and connected with the tackles on the main deck? A. Yes. [1289—445]

Q. Now, in having charge of the tackles, your business was to attend to those blocks and so forth on the main deck? A. Yes.

Q. That was your main business? A. Yes.

Q. You were not obliged to go very often on the poop deck, were you?

A. Oh, yes, I went over the deck.

Q. What would you be doing on the poop deck?

A. If I have time to run and see my cable out of the stern, see if it's all right and come back again and tend to my blocks.

Q. About how often would you go to take a look at your cable?

A. Sometimes fifteen minutes, sometime quarter of an hour.

Q. Sometimes an hour? A. An hour.

Q. Sometime more than that?

A. Sometime half hour.

Q. Sometime a couple of hours?

A. Never hours.

Q. You had to keep pretty close watch of the blocks and the pulleys and the capstan and all that?

A. Yes.

Q. You didn't have time enough to take sights often? A. No, sir.

Q. You didn't attempt to see whether or not the "Celtic Chief" was moving by taking range lights or

(Testimony of Tom Mason.)

sights during the daytime? A. No.

Q. You didn't have time to do that?

A. Didn't have time to tend to that; that was different men.

Q. Did you observe what lightering was on there?

A. Light?

Q. Lightering of cargo, discharging of cargo.

A. I don't know exactly how much freight they took out, how much. They was working at the freight when we was tending to these tackles.

Q. You didn't take time to watch them? [1290—446] A. No.

Q. As a matter of fact, you don't know at all what they were doing?

A. After they got through that discharging the freight.

Q. On Wednesday, then, you didn't know what was going on in the matter of discharging cargo from the "Celtic Chief"? A. Yes.

Q. You were so busy with the tackles?

A. I was so busy with my rigging gear that I can't go and look over the hatch and look on the other side where they heaving the freight.

Q. But, nevertheless, it is true, is it not, that the tackle was clear over the deck to the stern?

A. Yes, all clear.

Q. And you were back and forth the whole length from time to time? A. From time to time.

Q. Still you were so busy that you didn't have time for anything else? A. Yes.

Q. You didn't have time to see where the swell was coming, from what direction?

(Testimony of Tom Mason.)

A. I didn't have time to look over the side.

Q. Once in awhile. You did go up several times. At least you went and looked at your own line to see how the Miller anchor line was getting along?

A. Yes.

Q. What did you mean, Mr. Mason, when you said it would have been better if the "Celtic Chief" had rammed into the "Arcona"?

A. Little better if we went into the "Arcona." That would tell that the "Arcona" wasn't doing nothing.

Q. Now, as a matter of fact, Mr. Mason, that is the real reason why you think the "Arcona" wasn't doing anything, because she lay still after the "Celtic Chief" came off? A. Yes. [1291—447]

Q. That's your real reason for saying she wasn't pulling? A. She didn't move.

Q. Because you think if she had been pulling she would have gone right out to sea with the "Celtic Chief"? A. Yes.

Q. The fact that the "Celtic Chief" in coming off the reef almost rammed the "Arcona," the "Arcona" not moving at all showed plainly that she was doing nothing, that she was just lying at anchor, and that's your only reason for saying she didn't do anything?

A. (Witness nods head to indicate "Yes.")

Q. The "Arcona," you say, kept a search-light playing all the time on the stern of the "Celtic Chief"? A. Yes, sir.

Q. Did she do that during the whole evening from the time it was dark until the "Celtic Chief" came off?



(Testimony of Tom Mason.)

A. She switched her light off once in awhile.

Q. And nearly the whole night the light was playing? A. It was. You could see everything.

Q. They kept that light the whole time?

A. Sometimes goes off half an hour and comes on again.

Q. What did you mean by saying that the "Arcona" was asleep and wasn't doing a thing? Didn't they do something?

A. That's got nothing to do with the propeller, the search-light.

Q. What you meant by saying she was asleep was that she didn't use her propeller? A. Yes.

Q. That's what you mean. Now, for whom would it have been better if the "Celtic Chief" had run into the "Arcona"? A. What?

Q. You said it would have been better if the "Celtic Chief" had run into the "Arcona." For whom would it have been better?

A. Well, it would have shown a little better.

Q. It would have shown better for whom—for Miller? [1292—448]

A. Because she never done anything. If she was pulling straight out to sea when the "Celtic Chief" jumped off, she would have went right on.

Q. It would have been better for the Miller Salvage Co. A. I didn't say it would.

Q. It would have shown better?

A. It would have shown better for everybody. A Government boat doing nothing.

Q. You were disgusted, were you, at the fact that

(Testimony of Tom Mason.)

the "Arcona," a Government boat, was doing nothing?

A. Right. Everybody says if she had run into the "Arcona" it would have been better if she did.

Q. Who said that? A. Everybody on board.

Q. Captain Miller?

A. Captain Miller himself and the pilot; everybody on board; even the natives and myself, too.

Q. You all thought so clearly, that this fact that she didn't move at all, she didn't move out of the way—

A. Didn't move out of the way.

Q. Showed so clearly that she was doing nothing that you thought it would have been better if the "Celtic Chief" had run into her?

Mr. WARREN.—I don't think it is competent evidence, asks for what others thought at that time,—at least not as to them.

The COURT.—Objection sustained.

Q. They all said this?

A. Yes, the people on board I hear saying if we run into the "Arcona" it would be better.

Q. You heard that remark generally by the people aboard? A. Yes.

Q. That would mean Capt. Haglund also and Capt. Weisbarth?

A. I couldn't mention you, of course. There was so many others on board and everybody said if we run into the "Arcona" it would have been better and I said that too myself. [1293—449]

Q. You all thought it would have been better if she had been out of the way entirely? A. Yes.

Mr. MAGOON.—I object; it's entirely immaterial.

(Testimony of Tom Mason.)

What's the object of prolonging this thing.

Mr. WARREN.—We have the same objection.

The COURT.—This question is simply repetitious.

Mr. OLSON.—Well, I'll withdraw that. Now, Mr. Mason, when you came off the reef, you observed, did you, that the "Arcona" was practically lying broadside to the "Celtic Chief"? A. Yes.

Q. So that as you came off you came up on the poop and you found that you were running down on the "Arcona"? A. Yes.

Q. That if you had gone directly ahead as far as the "Arcona" you would have rammed her on her port quarter? A. Yes.

Q. That's your testimony? A. Yes.

Q. Was she lying direct broadside?

A. Just like that. Head to "Kaimuki" and stern to "Kalihi" harbor. There's the ship lying like that.

Q. At right angles? A. Yes.

Q. She was directly at right angles?

A. She was lying like that and we came astern.

Q. It was just as if you were to look at that wall back of you and then this wall at the side. The "Arcona" would be lying with reference to the "Celtic Chief" just as that wall lies to the wall at the side?

A. The "Arcona" was lying like that and there's the stern of the "Celtic Chief" like that—almost square.

Q. Let's have you draw a picture of this. Now, draw the "Arcona" first.

A. I draw the ship first.

Q. Draw the "Celtic Chief" first; don't make it

(Testimony of Tom Mason.)

too large because otherwise you won't have room.

(Witness draws.)

Q. Can you mark that "Celtic Chief" or C. C., capital C., capital [1294—450] C. Mark that C. C. in the middle. Well, mark it C. C. Now, that's the diagram. Now, will you mark this C. C. to show that it's the "Celtic Chief"; that's the "Celtic Chief" now, is it, that you've marked C. C.? A. Yes.

Q. Now, put a large A where you have drawn the "Arcona."

(Witness marks on diagram.)

Q. Now, then, the line that you have here drawn out to a picture of an anchor, is the cable of the Miller anchor and that was attached to the stern of the "Celtic Chief"? A. Yes.

Q. And the stern of the "Arcona" is lying over the anchor?

A. Lying right on top of this block—

Q. Now, I'll mark here on your diagram of the "Celtic Chief" the bow of the "Celtic Chief." Is that correct? A. Yes.

Q. Now, I'll mark on the "Celtic Chief" diagram that you have made the word "stern" to show where the stern is. Is that correct? A. Yes.

Q. Now, I'll mark on the diagram of the "Arcona" the word "stern." Is that correct? A. Yes.

Q. And the word "bow," at the bow of the "Arcona." Is that correct? A. Yes.

Q. Now, I'll write over the picture of the anchor here the word "Miller." Is that correct?

A. Yes.

Q. Now, that is a correct diagram of just how the



(Testimony of Tom Mason.)

“Arcona” and the Miller anchor and the “Celtic Chief” were when you ran up on the poop and saw the “Celtic Chief” approaching the “Arcona”?

A. Yes.

Mr. OLSON.—I offer this diagram in evidence and ask that it be marked.

The COURT.—Very well. [1295—451]

Mr. OLSON.—Claimant’s Exhibit, Libellee’s Exhibit #3.

Q. Now, Mr. Mason, the “Mikahala” was, had her line attached did she not, about that time?

A. Yes.

Q. Where was that line attached?

A. Line attached?

Q. Where?

A. The line attached from side chock.

Q. And what side of the “Celtic Chief”?

A. On the starboard side.

Q. She had her line through the starboard chock?

A. Yes.

Q. And she was pulling in what direction from the “Celtic Chief”?

A. She was pulling that way.

Q. In what direction?

A. Pulling out to sea.

Q. On the starboard quarter of the “Celtic Chief”?

A. Yes.

Q. About how many points, would you say, to starboard? A. About five points.

Q. She was almost pulling direct astern?

A. She was almost pulling to the stern.

Q. She was lying out that way and that’s the way

(Testimony of Tom Mason.)

she was during the whole time that she was pulling that night?     A. Yes.

Q. And the "Arcona" was between her and the "Helene"?

A. Between the "Mikahala" and the "Helene."

Q. Now, the "Helene" was on the port quarter?

A. Port quarter.

Q. Of the "Celtic Chief"?     A. "Celtic Chief."

Q. How many points to port, would you say?

A. About three points.

Q. And the "Arcona" was just between?

A. Just between. [1296—452]

Q. And the Miller anchor line was just between?

A. Yes.

Q. How do you explain, Mr. Mason, that the "Arcona" could be lying broadside with her stern to the anchor line if the "Mikahala" was lying only five points to starboard?

A. She had plenty room between the "Helene" and the "Mikahala."

Q. How about the Miller anchor and the "Mikahala"?

A. Miller's anchor is away in the deep water.

Q. The "Arcona" was a long boat, was she not, a large cruiser?     A. Yes.

Q. Four or five hundred feet long?

A. I guess not. Of course, I have not measured the ship.

Q. How long do you think?

A. Might be four hundred feet long.

Q. She was at least twice as long as the "Celtic Chief," was she not?     A. Pretty near as long.

(Testimony of Tom Mason.)

Q. About twice as long?

A. Pretty near as long.

Q. Do you think she was as long as the "Celtic Chief"? A. I don't think.

Q. You think she was shorter?

A. I don't think the "Celtic Chief" was as long as the "Arcona."

Q. Might be a little over. She might be three hundred feet? A. Might be.

Q. And you wish to say, Mr. Miller, that she was lying astern over the Miller anchor? A. Yes.

Q. And, nevertheless, the "Mikahala" was lying five points. A. Might be more.

Q. How do you account for the fact, if she was lying five points to the starboard, that she could lie over the Miller anchor? A. Plenty of room.

Q. Did you see where the "Arcona" took her position in the [1297—453] afternoon when she put her anchor out ahead?

A. When she came first?

Q. When she put both of the lines aboard.

A. She laying crosswise, the same way that she was when she was laying, then she backed up and took away our place buoy.

Q. Now, when she got to position, was she lying to port, to quarter, or astern of the "Celtic Chief"?

A. When she got into her position she dropped her anchor, she took in the same way she was laying and she laid there.

Q. Was she astern of the "Celtic Chief" or was she to the port of the "Celtic Chief" or to the starboard?

(Testimony of Tom Mason.)

A. Pretty near to the stern. Pretty near halfway to the "Celtic Chief" stern.

Q. What I want to find out is this: did she lie off to one side or the other?

A. The full length of the ship was lying on the starboard side of the ship, but the stern was pretty near aft of the stern of the "Celtic Chief."

Q. And where did she drop her anchor?

A. She dropped her anchor right ahead of her.

Q. Off to the side, directly ahead of the "Arcona"?

A. I don't know what anchor she dropped. She must dropped the port anchor or she dropped the starboard anchor.

Q. She was lying broadside to the "Celtic Chief" then?

A. That's what I call broadside to the "Celtic Chief" when she got right on top of my anchor.

Q. Broadside to the stern of the "Celtic Chief"?

A. Yes.

Q. That's the way she lay. Then her anchor must have been somewhere in the neighborhood of the "Mikahala"?

A. A little past the "Mikahala."

Q. But across the "Mikahala"?

A. Across the "Mikahala." [1298—454]

Q. The "Mikahala" must have been lying pretty well over the anchor-chain?

A. Little back.

Q. Not out quite so far?

A. Not out quite so far.

Q. But if the "Mikahala" had sailed ahead she would have gone over the anchor?

A. She would have cleared the anchor.



(Testimony of Tom Mason.)

Q. She would have gone over the anchor-chain?

A. I couldn't say whether she got the anchor on the "Mikahala" bow or the side of the "Mikahala."

Q. How many lines did the "Mikahala" have attached to the "Celtic Chief"? A. One.

Q. Only one? A. Only one.

Q. Did you see that line? Did you examine that line?

A. I see a hawser lying from the "Mikahala" to the "Celtic Chief." I never went and looked at it what size line it was.

Q. It was a manilla hawser, was it?

A. It's a manilla hawser.

Q. But she only had one line?

A. Only had one line.

Q. Didn't have two?

A. No, I didn't take no notice of it.

Q. Why didn't you take any notice of it?

A. Well, I only seen that line.

Q. You weren't looking at the lines carefully enough to see whether or not the "Mikahala" had another one? A. No.

Q. You were not? A. No.

Q. How far away would you say was the "Arcona" line from the "Celtic Chief" before the "Celtic Chief" came off? About what distance?

A. I guess, I think it was about three hundred feet, three hundred yards.

Q. About nine hundred feet? A. Yes.

Q. Nine hundred to a thousand feet? [1299—455]

Mr. MAGOON.—He puts something into the wit-

(Testimony of Tom Mason.)

ness' mouth he doesn't say.

Q. Was it nine hundred or a thousand feet?

A. Well, about three hundred yards.

Q. Now, when the "Celtic Chief" came off and you were standing on the poop there and had gotten the Miller line clear of the "Celtic Chief," how near did you come to the "Arcona"?

A. Well, we were as far from here to that wall there.

Q. As far from you to that wall? That would be about twenty-five or thirty feet?

A. It might be a little more than thirty feet.

Q. About fifty feet? A. About fifty feet.

Q. You came within fifty feet from the "Arcona"?

A. I couldn't say exactly; fifty or sixty.

Q. Not any more than that?

A. Might be a little more than that.

Q. Might be two hundred feet?

A. Not more than two hundred feet.

Q. When you say to this Court that it was from you to that wall, that's what you mean?

A. Not this wall, a little further on.

Q. About the length of this room?

A. That's too close.

Q. Then the distance of this—

A. Might be half of this distance attached to that distance. We looked, we was pretty near on top of the "Arcona."

Mr. OLSON.—Will counsel admit that this room is twenty-six feet long?

Mr. WARREN.—Counsel for whom?

Mr. OLSON.—Well, I refer to counsel for all of

(Testimony of Tom Mason.)

the parties. Will you admit that the room to which the witness has been referring is forty-six feet long and about thirty-five feet wide?

Mr. MAGOON.—We'll admit that for the purposes of this case.

Mr. WARREN.—Yes. [1300—456]

Q. Then you say the "Celtic Chief" practically came to a stop?

A. I couldn't say it stopped right there, but we had time to take our cable and throw it overboard. Then the officers sung out to the "Arcona" to make steam and go ahead, hurry up.

Q. And she heaved her anchor?

A. She heaved up her anchor and started ahead.

Q. Now, as I understand it, by that time, by the time that you had come within this distance of the "Arcona," the "Mikahala" line had already been cut?

A. That is the time when we sung out to cut the "Mikahala" line. That's the time I heard. The Inter-Island had a foreman there on her. Somebody says, "Go ahead and cut away that line; get it clear before the 'Arcona' got its line taut."

Q. Did they do that?

A. They must have cut it or cast it loose.

Q. They did one or the other?

A. Either one or the other.

Q. You saw that the line was loose?

A. I see that the "Mikahala" was clear.

Q. And that was by the time that you had come as near to the "Arcona" anywhere from fifty to a hundred feet? A. Somewhere about there.

(Testimony of Tom Mason.)

Q. Up to that time you had come in a directly straight line right for the "Arcona"? A. Yes.

Q. Do you know how long it took to get the "Mirowira" off the reef?

Mr. MAGOON.—I object to that on the ground it's indefinite.

Q. How long was it from the time that the "Mirowira" went on till she came off?

A. I got no idea.

Q. You don't know? A. Don't know.

Q. Have you no idea?

A. I was working there. I told you I was working there two days for Medcalfe.

Q. You don't know how long it was after that that she came [1301—457] off?

Mr. MAGOON.—I object to it because it is indefinite.

Q. Do you know how long after the time that you were on board the "Mirowira" with Medcalfe it was that the "Mirowira" came off?

A. I was ashore here getting something when I see the "Mirowira." She was out to sea.

Q. You weren't on her at the time she came off?

A. No.

Q. How long had you been off of her?

A. I was ashore here about four hours.

Q. You had been aboard for two days?

A. Worked two days.

Q. Then you came off and were off about four hours when she actually came clear of the reef?

A. Yes.

Q. So you were not there at the time she came off?



(Testimony of Tom Mason.)

A. I wasn't there.

Q. So you don't know how she actually came off of your own knowledge then? A. I don't know.

Q. Do you know how long Medcalfe had been working on the "Mirowira" before you went on board to help him? A. Might be three days.

Q. Three days before you came on board. Now, do you know how long she had been ashore before you came on her.

A. There was people working there and they gave it up. They had a concern there with tackles—

Q. I'm not asking you, Mr. Mason, what they were doing there. I'm asking you how long she had been ashore up to the time that you were employed on her.

A. Before that I know she was on there about three or four weeks.

Q. Three or four weeks? A. Before I went on.

Q. You say the "Kaimiloa" lost one of her bitts?

A. Chocks. [1302—458]

Q. One of her chocks?

A. Pulled one of the chocks out.

Q. And one of her lines broke?

A. Yes, the stern line.

Q. Was it while she was alongside of the "Celtic Chief" taking cargo from her? A. Yes.

Q. Do you know the "Kaimiloa" pretty well?

A. Yes.

Q. She's an old boat, is she not? A. Yes.

Q. Did you observe the place where the chock was torn away? Did you see the place where it was torn away? A. Yes.

Q. Did it show that it was more or less old timber about it?

(Testimony of Tom Mason.)

A. Pretty old. The boat was old and the bitt was pretty old.

Q. A little tugging like that would pull it off pretty easily?

A. A little tugging like that would pull it off pretty easily.

Q. Being an old boat? A. Being an old boat.

Q. What kind of a line was this?

A. Manilla rope.

Q. What kind of a rope? A. Pretty old.

Q. It was an old line? A. Pretty old line.

Q. And do you know its size?

A. About eight inches. Eight inches in circumference.

Q. You said something about the size of your thumb.

A. That's what I see later, brand new one and it looks pretty small for a big ship like that to come out there and try to get the "Celtic Chief" off.

Q. It looked pretty small to you? A. Yes.

Q. You saw both of those lines?

A. Made at the same time when he come back with the other.

Q. You know there were two lines?

A. I saw both of them. [1303—459]

Q. And they were the same size? A. Yes.

Q. Would you say they were less than inch, inch and a quarter?

A. I think about three or four inches.

Q. You think they were about three or four inches around? A. Yes, sir.

Q. And after this salvage experience you had on

(Testimony of Tom Mason.)

the "Mirowira" you regarded them as pretty small wire to use in the "Celtic Chief" case?

A. The "Arcona" wire?

Q. Yes.

A. It's pretty small for the size of the Miller Salvage Co.'s cable.

Q. The two of them together wouldn't, would make, give considerable more strength to the lines of the "Arcona" than the wire, would they not?

A. If they doubled that "Arcona's" wire, doubled it together, wouldn't be half as big as the Miller Salvage Co.'s cable.

Q. It wouldn't? A. No.

Q. How large was the Miller Salvage Co.'s cable?

A. Pretty near as big as that. (Indicating.)

Q. How many inches?

A. About seven or eight inches.

Q. Seven or eight inches around? A. Around.

Q. You don't think that these two wires that you have spoken of, each of which was about four inches, would be as large as this one line of the Miller Salvage Co.? A. I don't think so.

Q. The only salvage experience that you have ever had in the course of your sailorizing was on the "Mirowira"? That's correct?

A. I'd been rigging heavy purchases before.

Q. In salvage vessels?

Mr. MAGOON.—Let him answer.

Mr. OLSON.—What did you say? [1304—460]

A. I'd been rigging heavy purchases before.

Q. Have you ever had any salvage experience before?

(Testimony of Tom Mason.)

A. Not taking a ship off the reef. When I'm working—

Mr. MAGOON.—Let him answer.

Mr. OLSON.—Go on. I withdraw my last question and put it this way. Confine yourself absolutely to the question that I'm asking: Have you had any other salvage experience than that you have testified to on board of the "Mirowira"?

A. That's the only time that I went to work with Medcalfe to pull a ship off.

Q. That's the only salvage experience you've had?

A. Yes.

Q. What did you mean when you said that Dick, what was his name? A. Clarke.

Q. What did you mean when you said that Dick Clarke had more men than he could handle?

A. I didn't say that.

Q. What did you mean when you said on direct testimony that he had more men or that he had too many men?

A. He is the foreman *from* the laborers. I said that he had more men than I had. I only had that thirty-five or thirty-seven men out on the "Celtic Chief," but I didn't count how many men Dick Clarke had on board.

Q. When you started in rigging up the tackle on board the "Celtic Chief," how many men were there helping you get that rigged?

A. Getting the stuff on?

Q. The tackle rigged up on the "Celtic Chief."

A. Well, I had my full crew.

Q. Thirty-seven men? A. Thirty-seven men.



(Testimony of Tom Mason.)

Q. What were Dick Clarke's men doing?

A. Well, they was on board the "Celtic Chief."

Q. What were they doing?

A. They was discharging freight.

Q. Did that same discharging of freight on Wednesday? A. Yes.

Q. All day Wednesday?

A. We got out there, I didn't [1305—461] see them when they was working all day Wednesday.

Q. Why didn't you see them?

A. Because I was inside the wharf. I was there at the wharf.

Q. Wednesday, getting the anchor. I mean Tuesday.

Q. What about Wednesday?

A. We were getting the anchor getting ready with the anchor and the cable.

Q. You started off in the morning of Wednesday, rigging up that tackle? A. Yes.

Q. Where were Dick Clarke's men then?

A. On board the "Celtic Chief."

Q. What were they doing?

A. Working on the freight.

Q. Discharging freight?

A. Discharging freight.

Q. Into the Miller Salvage boats?

A. No, into the Inter-Island.

Q. All day Wednesday? A. I don't know.

Q. You were on the "Celtic Chief"?

A. I was there attending to my work.

Q. But you didn't see the men at work?

A. I couldn't look around for the other men.

(Testimony of Tom Mason.)

Q. But Dick Clarke's men were not helping you?

A. My own men were helping me.

Q. They were the men who were tending to the tackle and heaving on the capstan? A. Yes.

Q. Your men, your thirty-seven?

A. My thirty-seven men and Dick's crowd came to give me a hand.

Q. When did they get on? A. In the afternoon.

Q. About what time?

A. Might be one o'clock or two o'clock.

Q. How long did his crew stay with you?

A. Which crew? [1306—462]

Q. How long did Dick's crew stay with you?

A. They stayed until the "Celtic Chief" came off the reef.

Q. All Wednesday afternoon and Wednesday night? A. Yes.

Q. How many men did you have at that time, heaving in on the capstan?

A. Sometimes we have fifty on the capstan.

Q. What were the rest of the men doing?

A. They was taking a rest when they got tired out.

Q. What was the size of the hawser, the line that the fall, the line runing from the third block to the capstan? A. Third block?

Q. Third tackle to the capstan.

A. Do you mean the first block or the third block?

Q. What was the line that went to the capstan from the tackles? A. Five inch.

Q. A five-inch, manilla hawser?

A. Five-inch, manilla hawser.

Q. Did you examine that line?

(Testimony of Tom Mason.)

A. I didn't exactly examine it.

Q. You don't know whether it was new or old?

A. It was a brand new manilla rope.

Q. It had never been used before? A. No.

Q. You are sure of that? A. Sure of that.

Q. And what distance was the capstan from the block through which this line passed?

A. Well, may be about twenty-five feet from the capstan.

Q. Twenty-five feet.

A. Maybe a little more.

Q. That was the line, was it not, that was the only line that connected the capstan with the tackles?

A. Yes.

Q. Now, that line passed through the block and went from [1307—463] there where?

A. To the other.

Q. To the other block? A. To the other block.

Q. And it passed back and forth through those two blocks twice? A. Yes.

Q. What was that line then that was connected to that line? A. The main fall.

Q. And what kind of a line was that?

A. That was eight-inch.

Q. Manilla hawser? A. Yes.

Q. And that eight-inch manilla hawser passed through another block, did it not? A. Yes, sir.

Q. What block was that?

A. That's the main block.

Q. And that then went from that block back to another back and forth three times? A. Three times.

Q. Then what was that connected to?

(Testimony of Tom Mason.)

A. Connected on to the second block, the fall.

Q. Connected on to another fall?

A. Another fall.

Q. What was the size of that rope?

A. It was six or seven inch.

Q. Six or seven inch one? A. Yes.

Q. That was a manilla hawser? A. Yes.

Q. A new one or an old one? A. New one.

Q. It was new? A. New.

Q. Six or seven-inch manilla hawser? A. Yes.

Q. That went through another block?

A. Yes, three times.

Q. And went back and forth three times between the two. Connected the blocks? A. Yes.

Q. Then that was attached, was it not, to the steel wire cable which connected the anchor? [1308—464

A. Yes.

Q. So that you had the five-inch manilla hawser coming to the capstan? A. Yes.

Q. You had a six or seven inch manilla hawser going to the wire cable on the other side?

A. Yes.

Q. And the tackle in the middle had an eight-inch manilla hawser which connected those two small—

A. The main block was eight inch and the other six or seven inch. Then the other one going to the capstan.

Q. I'll repeat what I've said. The line from the capstan to the tackle was a five-inch manilla hawser?

A. Five inch.

Q. That is correct. Now, going to the other side from the wire cable, from the anchor to the tackle on



(Testimony of Tom Mason.)

the other side, was a six or seven inch manilla hawser? A. Yes.

Q. In the middle is an eight-inch manilla hawser?

A. In the middle is six or seven inch, the main tackle is eight inch.

Q. I'm not asking you about any main tackle. I'm asking you about the line which was attached to the tackle. A. That was eight inch.

Q. And that went through the main tackle?

A. Yes.

Q. And next to that was *connect* the six or seven inch cable? A. Yes.

Q. To that was a five-inch line which went to the third block and went to the capstan? A. Yes.

Q. And they were all brand new line that had not been used?

Mr. MAGOON.—I object to that it is repetitious.

Q. Will you answer my question? They were all brand new manilla hawsers?

A. They were brand new. [1309—465]

Q. None of them had been used before?

A. They might have been used once.

Q. They might have been used once?

A. Once, the eight inch.

Q. So that was not a brand new—

A. Might be a new line, was taken out of the store.

Q. It might have been used before?

A. The rope was new.

Q. It might have been used before?

A. Might been used one time.

Q. Or two times before? A. Might be.

Q. Several times before?

(Testimony of Tom Mason.)

A. Might be; I don't know.

Q. What about this steel cable that went to the anchor, had that been used? Was that a new steel cable or was it one that had been used before?

A. One that had been used before.

Q. One that had been used before?

A. It was black up with tar, I couldn't see, but the inside of it—

Q. What kind of a wind was blowing on Monday, Tuesday, and Wednesday? From what direction?

A. I don't remember.

Q. You remembered on direct examination.

A. The wind is always from the eastward.

Q. It was an easterly trade on your, you said on direct examination, did you not? A. Yes.

Q. You are sure of that?

A. I can't remember it.

Q. You can't remember it?

A. Can't remember it.

Q. But that's your recollection now, that it was an easterly trade wind? A. Easterly trade wind.

Q. You are not sure that it was not a southerly wind? A. No.

Q. It was not a southerly wind?

A. If it was a southerly wind, the "Celtic Chief" would [1310—466] have been thrown on the reef.

Q. Why so?

A. The swell would be more bigger and that swell throw her sideways.

Q. As there was there was no tendency to throw her on sideways?

A. There was sea but the big boat held her in posi-

(Testimony of Tom Mason.)

tion. The Inter-Island got hold of it, then the Miller Salvage Co. put the anchor down, then made sure that would save her,—the sea wouldn't throw her on the side.

Q. The "Arcona" didn't have anything to do with it, did it? A. The "Arcona" didn't do much to it.

Q. Didn't do anything at all?

A. No. When she dropped that line she attached it.

Q. After that she was doing nothing at all?

A. She was useless.

Q. Useless?

A. He might have been tied to the wharf.

Mr. OLSON.—That's all.

Cross-examination of TOM MASON on Behalf of  
Libellants *Inter-Steam* Navigation Co. and  
Matson Navigation Co.

Mr. WARREN.—Q. Now, Mr. Mason, in your work out on the "Celtic Chief," from whom did you receive orders? A. Receive orders.

Q. Who gave orders to you out on the "Celtic Chief"? A. Well, that's my boss.

Q. Miller? A. Miller.

Q. Did Mr. Miller give the orders directly to you?

A. Well, he give me orders first, if he wanted get the anchor to place, get it into place.

Q. I'm asking who was directly in charge of the work? You received orders from Captain Miller?

A. From Captain Miller. [1311—467]

Q. How about Captain Wiesbarth?

A. We was working together for Captain Miller.

Q. Captain Weisbarth worked there with you?

(Testimony of Tom Mason.)

A. He was working with me but he didn't give no orders.

Q. Did he give any orders to any other men that were working there, Miller's men?

A. Told them, "Hurry up, heave away."

Q. He never gave you any orders?

A. He never gave me any orders.

Q. Was Captain Weisbarth working himself?

A. Yes, he was; all working.

Q. Was he working as a laborer?

A. Helping sometimes. Sometimes he helped me.

Q. To whom did you give orders?

A. I give to them.

Q. To whom, Captain Weisbarth?

A. Weisbarth. Told him what to do, what I want to do; sometimes Dick, so forth.

Q. You gave orders to Dick Clarke as well?

A. Yes, what I want him to do. If I want men, more men to help me I give Dick orders to send some men to help me fleeing the tackle.

Q. That is, you were personally in charge of the rigging? Of the tackles and blocks and rigging on the "Celtic Chief" in connection with that anchor line? A. Yes.

Q. And Captain Weisbarth was under your orders?

A. Not exactly under my orders. When I want him to do something I ask him, "Please come over her, Weisbarth, and help me."

Q. What was Captain Weisbarth doing with other men on board?

A. Well, like this, he's a captain.



(Testimony of Tom Mason.)

Q. Who was captain?

A. He was captain of the [1312—468] "Makee."

Q. I'm talking about on the "Celtic Chief."

A. Well, so when the men see when he gives out any orders—

Q. When who gives out any orders?

A. Weisbarth. And the men listen to him just as well as me, just as well as the foreman.

Q. Now, in what matter and in connection with what work did Captain Weisbarth give orders?

A. Well, from Captain Miller. If Captain Miller give order to Captain Weisbarth to do things he goes and tell the men.

Q. And Captain Weisbarth was next in authority under Captain Miller? A. Yes, sir.

Q. Then Captain Weisbarth and not you were really in charge of the operations on the "Celtic Chief"? A. Eh?

Q. Captain Weisbarth rather than you were really in charge of those operations on the "Celtic Chief"?

A. Well, I was in charge of that tackles.

Q. You were in charge of the cable? A. Yes.

Q. Were you in charge of the blocks and tackles?

A. Yes, I was the rigger on board of the "Celtic Chief" for the Miller Salvage Co.

Q. Were you in charge of the capstan?

A. There's a foreman over these men.

Q. Who is the foreman? A. Dick Clarke.

Q. And you were only in charge of the rigging?

A. I am in charge of the block; sometimes I run up to the capstan and give him a hand.

Q. What do you mean you were in charge of the

(Testimony of Tom Mason.)

rigging? The way it was rigged up or the work? What do you mean by the expression that you were "half-ass boss."

A. I was half-ass boss under Dick with the labor.  
[1313—469]

Q. What do you mean by that?

A. Well, I was under him.

Q. You were under who?

A. Under Dick Clarke at the first.

Q. And you were under Captain Weisbarth, were you not? A. Me?

Q. Yes.

A. Well, only the first time. When I commenced to rigging I was the boss then of the rigging part.

Q. When you commenced rigging?

A. Yes, when I commenced rigging my tackles.

Q. And as soon as you began rigging up your tackles then you became boss?

A. Then I came higher than them because I understood more of the rigging purchase than the others. Of course, Weisbarth, he might know little more than me, he been an old sailor, an old sea captain, but I think because he was captain of the "Makee" he just go ahead to give me a help.

Q. Were there any orders given at all to you, any orders given at all to you by any one how the tackle should be rigged up?

Mr. MAGOON.—Now, I object, may it please your Honor, because it's perfectly useless.

The COURT.—It's for them to decide what benefit the evidence is to be.

A. I don't know of anybody's orders but except Captain Miller.

(Testimony of Tom Mason.)

Q. Well, did Captain Miller give any orders about how that tackle was to be rigged?

A. He says, "Now, you rig the thing up. What you know you do and I trust you to do it."

Q. After that he gave no orders?

A. He gave orders to the others to stand by when Tom says "Heave away, go ahead; keep on doing it doing it till we get the ship out." [1314—470]

Q. Had you ever worked for Captain Miller before? A. Sir?

Q. Had you ever worked for Captain Miller before?

A. Yes, after I got through with the Inter-Island.

Q. What's that?

A. After I got through with the Inter-Island. He's the first man sent for me to come and work for him.

Q. That was before?

A. That was before the "Celtic Chief" had anything to do, before the "Celtic Chief" came on the reef.

Q. How long did you work for Captain Miller before the "Celtic Chief" occasion?

A. I worked five months.

Q. Then you were not in his employ when the "Celtic Chief" went ashore?

A. I was two weeks he laid me off because he didn't have work, nothing for me to do, and he laid me off for two weeks, and when the "Celtic Chief" come ashore of course he was busy picking up, can't get out, and he didn't have time to see me.

Q. He was looking for you?

(Testimony of Tom Mason.)

A. He wasn't exactly looking for me. When I got down to the wharf the "Concord" was towing out. Captain Weisbarth was on the "Concord."

Q. In what capacity did you work with Captain Miller before? What kind of work did you do for Captain Miller before?

Mr. MAGOON.—I object to it as irrelevant and immaterial.

A. I only mate with Captain Weisbarth for him, for Captain Miller.

Q. Mate for Captain Weisbarth?

A. Mate to Captain Weisbarth under him to help on the "Concord" for Miller.

Q. When Captain Miller engaged you to go out to the "Celtic Chief" to get out fertilizer, what was your work to be? Were you in charge of any other kind of work or were you engaged to work as a laborer?

A. I was on board of another ship. That was the "Kaimiloa." [1315—471]

Q. You were working as a laborer slinging sacks of fertilizer?

A. Yes, and tending to the men at the same time.

Q. You were in charge of that how long?

A. I was in charge of the—I had thirty-seven men.

Q. When you were working unloading fertilizer you were in charge?

A. We discharged, unloaded. We was loading from the "Celtic Chief" on to the "Kaimiloa" with the thirty-seven men.

Q. You were one of the thirty-seven?

A. I was the thirty-eight.



(Testimony of Tom Mason.)

Q. And who was in charge of the thirty-seven men?

A. I was.

Q. You were in charge of that unloading gang?

A. Yes.

Q. What became of your thirty-seven that you had? On Tuesday where were they?

A. Got them mixed up with the other men on the "Celtic Chief."

Q. They were on the "Celtic Chief" on Tuesday, were they?

A. Yes, and I went back, enough crew on the "Makee." Tuesday they are discharging the "Makee."

Q. What were they doing on the "Celtic Chief," if you know?

A. They were discharging freight on the "Helene." Our boats and the Inter-Island they was all mixed up.

Q. Captain Miller's men?

A. Captain Miller's men and the Inter-Island men.

Q. Sling it out of the hole and load it into the Inter-Island boats?

A. Loaded into the Inter-Island boats, some of them.

Q. Your thirty-seven men?

A. Half of my thirty-seven men were with Dick, the foreman. I don't know what he done or whether he left them on the "Celtic Chief." [1316—472]

Q. When did you leave them on the "Celtic Chief"? A. On Tuesday.

Q. What time on Tuesday? A. I couldn't say.

Q. Morning or afternoon?

(Testimony of Tom Mason.)

A. Left there in the morning. We came to the wharf.

Q. Was it before daylight or after daylight?

A. Before daylight.

Q. About three or four o'clock in the morning?

A. About five o'clock. Five o'clock, near that it seemed to be.

Q. You came in on the "Kaimiloa" or on the "Makee"? A. "Makee."

Q. And you went out on the "Makee" on Monday?

A. I went out on the "Kaimiloa" on Monday.

Q. And you came on the "Makee"?

A. Came back Monday night and left the "Kaimiloa" at the cattle-pen, Dillingham wharf. We took that steam launch on the "Makee" work. By night, that night, early in the morning we left there.

Q. You left half of your thirty-seven men on board? A. On board.

Q. And took the other half of the thirty-seven men back with you on the "Makee"?

A. On the "Makee" and I don't know what they done with the other men working on the "Celtic Chief" that day.

Q. You don't know yourself what they were doing?

A. Don't know.

Q. When you say the rest of your men were loading fertilizer on the Inter-Island boats—that's what you believe.

A. I didn't have no information where the men was, the other men. What we had on the "Makee" when we got ashore we had to let them go and get something to eat.

(Testimony of Tom Mason.)

Q. Now, when you came back with the "Makee" on Tuesday morning and went to unload her, you got her unloaded, you [1317—473] say, about five o'clock in the morning, Tuesday? What time did you get back with the "Makee" on Tuesday morning?

A. We got alongside the wharf about somewhere six or seven o'clock with the fertilizer.

Q. When did you get her unloaded?

A. We got her unloaded somewhere about ten or eleven o'clock.

Q. Where was Captain Miller then?

A. Captain Miller went ashore some place. He was all around the ship sometimes; sometimes you can't see him at all. He was getting the cable off.

Q. Now, when you left the "Celtic Chief" on Tuesday morning with the "Makee" where was Captain Miller then? A. He was around the deck.

Q. He was aboard the "Celtic Chief" on Tuesday morning?

A. Might be he skipped off on the steam launch because I'm busy working down the hole with the men getting the cargo out.

Q. After you left the "Celtic Chief" with the cargo on Tuesday morning, did you see Captain Miller? A. When we got the big anchor on.

Q. You saw him when you got the big anchor on?

A. Yes.

Q. That is, from whom did you receive orders to get on the big anchor? A. From Captain Miller.

Q. What time was that?

A. That's about eleven o'clock.

(Testimony of Tom Mason.)

Q. That was about the time you got the "Makee" unloaded?

A. Yes. He was going up in the yard and got the big anchor and we got all the cables in, the blocks and tackles, everything on board and he go up in the yard and got the big anchors down.

Q. Where was the yard?

A. The yard was down to Iwilei.

Q. And where were the tackles?

A. The tackles were on the little storehouse he has on [1318—474] the Hackfeld wharf.

Q. Wasn't the anchor there too?

A. No, the anchor wasn't there.

Q. To whom did Captain Miller give orders to get the anchor out?

Mr. MAGOON.—It's entirely immaterial.

The COURT.—Objection overruled.

Q. Did Captain Miller give the orders to you to get the anchor out?

A. Give it to me and Captain Weisbarth. He says, "You two men look after the things get the wire cable on board."

Q. At that time when Captain Miller gave those orders to you, Captain Weisbarth and Captain Miller were there? A. Yes.

Q. He spoke to you? A. Yes.

Q. Had you before that time received any orders or hear Captain Miller say anything about getting an anchor or tackle?

A. We had a talk about that Tuesday before we came in.

Q. Where? A. Down to the "Celtic Chief."



(Testimony of Tom Mason.)

Q. Where did you get the orders?

A. When I got the orders on the Hackfeld wharf when I got the "Makee" discharged.

Q. He didn't give you those orders on the "Celtic Chief"?

A. He spoke about going and discharge the freight and get the anchors and the cables.

Q. That's when he gave the orders?

A. Well, he didn't give the proper orders then. We knew what to do. After we get the freight out then he gave the strict orders.

Q. So up to that time on the Hackfeld wharf you didn't know what to do and you were waiting for further orders?

A. Till he come down and he tell us what to do.

Q. And you were waiting for him to give further orders?

A. That is the talk on the "Celtic Chief," we go and get [1319—475] the anchor, but he never give us no more orders. We don't know where the anchor was.

Q. He didn't tell you where the anchor was?

A. No.

Q. You didn't know?

A. I didn't know. He mentioned in the yard. Well, that's the only place he had at Iwilei to put anything away.

Q. Then you did know where the anchor was?

A. Eh?

Q. Then you did know where the yard was?

A. I didn't know where the yard was but that's his place down there when he was working with the

(Testimony of Tom Mason.)

Oil Company. He had his things there.

Q. Did you know that anchor was down there at that place? A. Yes.

Q. Why did you say you didn't know where the anchor was?

A. I didn't say the anchor was really down there but I know where the place it was landed.

Q. But you didn't intend to do anything until you got further orders on the Hackfeld wharf?

A. When I got orders from Captain Miller.

Q. And you got all the big blocks on the "Makee" and when he got the anchor at the Hackfeld wharf they had to cut the Hackfeld gate post to get it in, to get it on the wharf?

A. To get it on the wharf alongside the "Makee."

Q. So Captain Miller took charge of putting the anchor on?

A. He gave orders to Billy Hoogs people. He simply hurried them to go and get the anchor and bring it down to Hackfeld wharf where the "Makee" was lying.

Q. About what time did that anchor get down to the Hackfeld wharf where the "Makee" was?

A. About half-past two. I couldn't say exactly.

Q. As nearly as you can remember?

A. Just as soon as the anchor was on the wharf we just got [1320—476] a strap on and hove it on the deck.

Q. In the meantime you were getting the tackles?

A. In the meantime the tackle was on board. We were waiting for the anchors.

Q. When you got the anchor on then you started

(Testimony of Tom Mason.)

for the "Celtic Chief"?

A. We didn't start for the "Celtic Chief." Wait a minute. The inspector off the steam. They took the valve away so the engineer couldn't get the steam on the "Makee" so we had to turn around the "Mokolii" to pull us outside to the "Celtic Chief." We went out there too late for doing anything.

Q. About what time did you start out with the "Mokolii"?

A. Well, five o'clock. I couldn't exactly say five o'clock. It might be a little later or little sooner.

Q. Now, you got the anchor on board sometime along half-past two or three and started out about five. Was anything being done in the meantime about, touching the tackle and anchor?

A. On the way out we straightened the cable on deck.

Q. While you were lying there waiting for the "Mokolii"? A. No, sir.

Q. While you were lying there waiting from half-past three to five what was being done?

A. The "Mokolii" was away on the other side.

Q. What were you doing on board the "Makee"?

A. We was clearing up the deck.

Q. Do anything with the anchor and cables, tackles?

A. We was working on board the "Makee" getting the stuff on after we got it on there was no steam.

Q. I thought you said you had all the tackle on board before the anchor arrived?

A. Look here. We put the freight on the deck. There was nothing put there right. After we got

(Testimony of Tom Mason.)

them on the deck we go and place them out. [1321—477]

Q. That's what you were doing from half-past two or three o'clock to five? A. That's right.

Q. When you got out to the "Celtic Chief" that evening, was the anchor at that time attached to your cable? A. It was hooked on.

Q. It was hooked or shackled on?

A. Shackled on ready for the next morning to drop.

Q. Did you receive any orders from Captain Miller as to the time you were to drop that anchor that night or next morning?

A. When we was lying that night he want to drop the anchor there.

Q. I'm asking you did you receive any orders from Captain Miller as to the time that anchor was to be dropped?

A. I only heard Captain Miller say might as well drop the anchor.

Q. Captain Miller was on board the "Makee," was he, or the "Mokolii"?

A. He was on the "Makee."

Q. And the first you knew about the anchor being dropped was when he says "Drop out here"?

A. I says, "No, this is not a good place."

Q. What place was that?

A. Way down to the leeward of the "Helene" and "Likelike."

Q. That is to the port side?

A. To the port side.

Q. Ewa side? A. Ewa side.

Q. About how many points, do you think.



(Testimony of Tom Mason.)

A. It's almost a quarter of a mile away from the "Celtic Chief."

Q. In what direction from the "Celtic Chief's" stern? A. Outside, to sea.

Q. But was it dropped there?

A. No, it was picked up from there.

Q. Where was it dropped that night?

A. Dropped right on the bow. [1322—478]

Q. Where?

A. Right at the bow. Didn't drop it at the stern.

Q. Bow of what? A. Bow of the "Makee."

Q. Where with respect to the "Celtic Chief"?

A. Eh?

Q. Where was it with respect to the "Celtic Chief"? A. Six o'clock in the morning.

Q. Where did you drop it that night.

A. We dropped it to hold the "Makee."

Q. To anchor the "Makee"? A. Yes.

Q. Where with respect to the "Celtic Chief"?

A. The "Celtic Chief" was lying that direction then the "Makee" was lying this direction. (Indicating.)

Q. Off the port quarter you mean?

A. Off the port quarter.

Q. The "Makee" was to the port quarter of the "Celtic Chief"? A. Yes.

Q. Now, how far from the "Celtic Chief"?

A. I should say about five or six hundred yards.

Q. Five or six hundred yards? Nearer five or six hundred than three hundred?

A. More than that. I didn't have the rule to measure it.

Q. You objected to that anchor being dropped?

(Testimony of Tom Mason.)

A. That's only dropped to hold the "Makee" till the next morning.

Q. Then you didn't go up to the "Celtic Chief" that night? A. No.

Q. Did the "Mokolii" go up to the "Celtic Chief" that night? A. Not that I know of.

Q. You were on board the "Makee"?

A. I was on board the "Makee."

Q. You stayed on board the "Makee"?

A. I stayed on board the "Makee." [1323—479]

Q. I understood you to say *that went* on board the "Celtic Chief" that night and rigged up your lashing. You didn't go aboard the "Celtic Chief" that night?

A. Excuse me. You got me there. The time we dropped the anchor I took a boat and my strap and went aboard the "Celtic Chief" and it didn't take me over three-quarters of an hour or an hour to rig them things up and come back and I stayed on the steamer. The Captain says to me, "You get them things aboard," and I says, "Yes."

Q. About what time did you go aboard that night in your small boat.

Mr. MAGOON.—Aboard what.

Q. "Celtic Chief."

A. That's after—might be six or seven oclock that night.

Q. Right immediately after you got out there?

A. Yes.

Q. That was the time you rigged up this strap from the foremast over to the bitt? A. Yes.

Q. To which you next day attached your block?

(Testimony of Tom Mason.)

A. Yes, in the morning when we got the thing over the anchor heaved up and went over above the "Helene" and in range of the "Celtic Chief" we dropped the anchor.

Q. Now, that night, Monday, Tuesday night, do you know whether Captain Miller went aboard the "Celtic Chief"?

A. I don't think. No. That is, I'm not sure. So long from that time to this time that a man would forget something. He might have went over on board. He might not. The man was pretty tired, every minute all day Monday and night, and he was pretty tired and I think he took a rest on the "Makee."

Q. You don't think he went on board that night?

A. I don't think so. He might slip out without me knowing.

Q. So far as you know he did not?

Mr. MAGOON.—I object to this; he has answered it.

A. He might went aboard. He might not. [1324—480]

Q. As far as you know he did not?

A. Can't prove it. I wouldn't say no or yes. When I see the man going over to the "Celtic Chief" I says, "Yes." I don't think that Captain Miller went on board that night.

Q. That's what I want to know.

A. I don't think so. I can't prove to you.

Q. Was there any effort made that night to get a line on board the "Celtic Chief"?

Mr. MAGOON.—We don't claim there was.

(Testimony of Tom Mason.)

The COURT.—Proceed.

Q. Was there any effort made to get a line on board the "Celtic Chief" that night?

A. No, it was too late to run our cable. We dropped that anchor off the "Makee's" bow. That's the anchor that held it.

Q. The next morning you received orders from Captain Miller to move the anchor?

A. Yes, to heave it up under the bow, when he says, "Well, Tom," he says, "we pick up the big anchor and we run up to the place where you see is good. You sing out and you drop the anchor," and he says, "Don't drop it too close now. Plenty cable," he says, "The farther you drop it the better it is." I says, "Yes."

Q. Before that time, on Tuesday morning, do you know whether or not Captain Miller had gone over to the "Celtic Chief"? A. What?

Q. Did Captain Miller go over to the "Celtic Chief" on Tuesday morning before your anchor was picked up? Wednesday, I mean?

A. Might be he went over on Wednesday; I don't know.

Q. You think he did?

A. He must have went over. I can't say that I seen the Captain going over. He must have gone over there when I was busy getting up something out of the hole.

Q. He left the "Makee," did he? [1325—481]

A. Eh?

Q. He left the "Makee" that morning?

A. I couldn't remember it that he left the "Makee" that morning.



(Testimony of Tom Mason.)

Q. Who gave the order for dropping the anchor at the precise spot where it was dropped on Wednesday morning?

A. We steamed up. I was Captain. We didn't steam up; we had the "Mokolii" tow us and when I see it was direct to the "Celtic Chief" stern I sung out, "Captain, this is a good place."

Q. Now, when you dropped anchor Tuesday night, did you observe the Inter-Island vessels in that neighborhood? A. Eh?

Q. Did you observe the Inter-Island steamers there on Tuesday night? A. Yes.

Q. Where was the spot that you dropped the Miller anchor on Tuesday night. Which side of the "Likelike"?

A. Side of the "Likelike" was port of the "Likelike."

Q. Ewa of the "Likelike"?

A. Ewa of the "Likelike."

Q. Was it further or nearer the "Celtic Chief" than the "Likelike"?

A. That was farther away from the "Celtic Chief" than the "Likelike"; might be two ship-lengths from the "Likelike" so we could swing around. If there's a collision over there we could swing clear of the "Likelike."

Q. When you picked up your anchor Wednesday morning, what course did the "Mokolii" and "Makee" take?

A. When you pick up the anchor you don't have to go no course, you have to use your judgment.

Q. What judgment did you use and where did you go.

(Testimony of Tom Mason.)

A. The "Mokolii" steamed out passing the "Helene's" bow.

Q. Passed the "Likelike"?

A. The "Likelike" bow and the "Helene" bow was a good distance away from the bow of the two ships. Then we came in kind of figure to get close to the "Celtic Chief."

Q. You came in between the "Helene" and the "Intrepid"? [1326—482]

A. Yes, and we turn right around bow out and when I say, "Captain, this is better place for the anchor," and he said, "When you see it is good ground drop it," so we dropped the anchor.

Q. He left it to you to determine what was a good place to drop the anchor?

A. Yes, because I was looking. He didn't want me to drop it in a bad spot; he want me to drop it in a good one.

Q. Where was Captain Weisbarth?

A. He was on the bridge with Captain Miller.

Q. Did he have anything to do with dropping the anchor that morning?

A. He was by the dropping.

Q. How much time passed between the time you began hauling up the Miller anchor on Wednesday morning until you got it dropped again? About how much time elapsed?

Q. I say it was about, might be an hour or hour and a quarter.

Q. It might be an hour and a quarter? You don't think it might be longer?

A. It's only a short distance to heave up and drop the anchor.

(Testimony of Tom Mason.)

Q. About what time in the morning do you think you got it dropped the second time?

A. Well, about quarter past seven or seven o'clock.

Q. You say you began about quarter to six, began to pick up the anchor about quarter to six in the morning? A. Yes.

Q. You didn't at any time hear any conversation between Captain Miller and Captain Henry of the "Celtic Chief" with regard to the position of the anchor?

A. Never conversation, see Captain Miller talk, get order from the Captain of the "Celtic Chief"; that's more than I know.

Q. I'm not asking about orders, but you didn't hear any conversation between the captain of the "Celtic Chief" and [1327—483] Captain Miller respecting the position of the anchor? A. No.

Q. Neither Tuesday night or Wednesday morning?

A. No.

Q. Or any conversation between Captain Miller and Pilot Macaulay?

A. They might have a conversation amongst themselves but it's nothing to do with me.

Q. You were not there? A. I wasn't; no.

Q. You didn't hear it? A. I didn't hear it.

Q. Did the "Makee" go near the "Celtic Chief" on Wednesday morning?

A. No, sir, when we dropped the anchor and got the cable on board she went back and put her anchor out.

Q. Do you know anything of signal arrangements between the "Arcona" and the "Celtic Chief"?

(Testimony of Tom Mason.)

A. Didn't have no time to look at that signal.

Q. You didn't know what the arrangements were?

A. Didn't have no time to look at that signal.

Q. In so far as you heard, as you stated on direct examination, that one light was for what?

A. I heard the officer say, "When I fire once, it's to get ready. When I fire twice to go ahead, and when I fire three times is to pull full speed."

Q. Full speed? A. Full speed.

Q. Do you know anything of any signal arrangements between the "Celtic Chief" and the Inter-Island steamers?

A. Don't have any time to look at that.

Q. You don't know anything about raising a lantern in the rigging of the "Celtic Chief"? Nothing at all?

A. I seen red light in the after-rigging. I seen the other one going up when it was too late.

Q. You saw the other one going up when it was too late?

A. Yes, the ship was out of the reef then. The signal was fired when it was too late. [1328—484]

Q. Did that second red light go up before or after the signal was fired?

A. The first light was hanging there by the time the next light went up. When they went up that's the time they fired the three sky-rockets, that's the time they went up.

Q. That's the time the second red light went up?

A. The ship was off the reef.

Q. Did it go off just about the same time?



(Testimony of Tom Mason.)

A. Might be before. I see the red light goes up and the three balls goes up.

Q. Was there any space of time between them?

A. Might be one second or two seconds.

Q. Not as much as a minute?

A. Might be two minutes, might be one minute.

Q. Might it have been ten minutes?

A. I don't—

Q. It might have been ten minutes?

A. It might be.

Q. Or fifteen?

A. It might be; might be one minute or might be three minutes. Right after the red light.

Q. And it might be ten minutes, you say?

A. Might be one minute or a minute and a half.

Q. Not more than that?

A. I couldn't say yes or no.

Q. You really didn't pay any attention to it?

A. Really didn't pay no attention to it.

Q. Was that the time the blocks dropped?

A. When the blocks dropped I was busy looking after these things.

Q. You don't know whether that second red light went up before or after they dropped?

A. I didn't have no time.

Q. You didn't see that second red light go up?

A. I seen it placed up. That's the side of it. Went [1329—485] up when I was busy.

Q. You saw it going up in the rigging?

A. Well, I seen it going up; they hoist it up. They fired the three balls and the red light went up.

Q. Your blocks dropped before that red light went

(Testimony of Tom Mason.)

up? A. The ship was off.

Q. Answer the question. Did your blocks drop before that red light went up? A. Yes.

Q. About how long before did your blocks drop?

A. I couldn't tell you. Might be fifteen or twenty minutes.

Q. Might have been that much? A. Yes.

Q. And when your blocks dropped the boat went right off? A. The boat went right off.

Q. When your blocks dropped that was the first real intimation or knowledge that you had that the "Celtic Chief" was moving off, is it? A. Yes.

Q. That's the first time you knew of it?

A. Yes.

Q. Did you feel any bumps on the "Celtic Chief"?

A. Plenty of it, but I never feel her moving.

Q. Every little while she bumped that way?

A. Once in a while she come down heavy.

Q. When she came down heavy was there anything in it to indicate that she was moving?

A. I couldn't tell you because we taking in the slack slowly every time, every slack we got hold of it. That other time she bumping and lightering that started her and of course when a little taut came off, pull her up. That's the time she made a bounce.

Q. When she made that bounce where was Pilot Macaulay? A. They was down in the cabin.

Q. Where was Captain Henry?

A. They were down in the cabin. [1330—486]

Q. At that time did they come out?

A. They did when they saw the ship had moved and sing out the ship is moving.

(Testimony of Tom Mason.)

Q. Previous to that time you didn't hear anybody say anything about the ship moving? A. No.

Q. You didn't have any intimation of any kind that she moved before then?

A. She must be moving but I couldn't prove that she was sliding all the time. That's the only time.

Recess.

Q. Mr. Mason, the "Makee" had an anchor of her own, did she? A. Yes, sir.

Q. And used that anchor to anchor herself after the big anchor was dropped on Wednesday morning?

A. Eh?

Q. She used her anchor to anchor herself out on Wednesday morning? A. Yes, sir.

Q. What anchor did she use on Tuesday night?

A. Tuesday night?

Q. Yes. Used her own anchor on Tuesday night?

A. No, the cable anchor.

Q. The big anchor? A. The big anchor.

Q. Why didn't she use her own anchor?

A. She had the other one heaved over the side.

Q. Why was that big anchor hove over the side that night? A. To get ready.

Q. To get ready for what?

A. To get ready to drop it in the morning.

Q. But you dropped it that night.

A. We dropped it, hold on to it.

Q. For the "Makee" to hold on to? A. Yes.

Q. Rather than dropping the "Makee's" own anchor? [1331—487]

A. We got that one.

Q. You knew that you had to pick that up in the morning? A. Yes.

(Testimony of Tom Mason.)

Q. You expected that you'd have to pick up the big anchor next morning?

A. Pick it up and shift it to this place *place*.

Q. How was that big anchor taken out on the "Makee"? On deck?

A. It was on deck. Hove it out on the side and take it forward with a wire cable.

Q. There is no reason, so far as you know why the big anchor couldn't remain on board the "Makee" all night?

A. Just as well, and just as well to use it when we dropped it over.

Q. Isn't it a fact that that anchor was dropped that night at that place by the order of Captain Miller? A. Which anchor?

Q. The big anchor.

A. It was dropped by order of Captain Miller to use the big anchor to hold the "Makee" on.

Q. What was it, then, you told me about your having said that's not a good place for that anchor?

A. I said "That's not a good place"; in the meantime he said we might just as well hold on it till morning.

Q. Didn't you expect to use that anchor in the morning?

A. I wanted to use the "Makee's" anchor.

Q. What's that?

A. I wanted to use the "Makee's" anchor. He says it's not necessary to use the "Makee's" anchor when we got this anchor all ready hanging on the bow.

Q. Why was that big anchor dropped overboard



(Testimony of Tom Mason.)

rather than the small anchor, the smaller anchor of the "Makee"?

A. Hang it over the bow so we could get ready.

Q. So you could get ready for the morning's work?

A. Yes. [1332—488—498]

Q. You expected to connect that anchor with the "Celtic Chief"?

A. We didn't expect to connect it from the place where we lay.

Q. Did Captain Miller expect—

Mr. MAGOON.—I object to that. How could this man—

Mr. WARREN.—What was said between you and Captain Miller?

A. I told Captain Miller that is not the right place for the anchor to lay. You want this anchor above the "Helene."

Q. That is, you thought it ought to be laid so you could pull the ship straight off? A. Yes.

Q. What had he said previous to that?

A. He said, "That's the best idea."

Q. He said your idea was good? A. Yes.

Q. What had been said between you and Captain Miller previous to your telling him that that wasn't a good place?

A. He says, "It's not very good pulling sideways."

Q. You said that?

A. He said that. He said, "I think that's good idea. It may be it's not very good place." When I got my instructions I said that is not the right place for the anchor to lay, pulling sideways.

Q. Was that conversation before or after the big

(Testimony of Tom Mason.)

anchor was dropped?

A. The anchor was at the bow then.

Q. And you hadn't yet dropped it?

A. We had already dropped it to hold on to it. Then we done our talking.

Q. You told him, Captain Miller, that you thought that wasn't a good place right after he had given the order to drop the anchor and it had been dropped?

Mr. MAGOON.—I object, your Honor. I think the subject has been covered and it's immaterial.

The COURT.—I think that it has been covered, Mr. Warren. [1333—499]

Mr. WARREN.—I want to get at what passed in connection with the dropping of that anchor to find out whether it was dropped.

The COURT.—You will answer this question then.

A. We hoisted the anchor to the side of the "Makee."

Q. What's that?

A. We hoisted the anchor from the deck of the "Makee" on the side.

Q. Yes.

A. And take it forward where the anchor, the other anchor-chain was. We take it in the chock on the ship, over the rail where the chock is, lash the wire in there to the winch and heave the big anchor forward so that we can let go the place where we wanted the anchor that night.

Mr. WEAVER.—I move to strike out the answer as irrelevant and not responsive.

The COURT.—We'll let it stand.

Mr. WARREN.—That was the place, was it, Mr. Mason?

(Testimony of Tom Mason.)

A. That's the place when we dropped the anchor. We laid there that night.

Q. Where you dropped it that was the place that Captain Miller wanted it dropped, was it?

A. He wanted it dropped that night.

Q. For what purpose, if you know.

Mr. MAGOON.—I object to the question, it is entirely immaterial, your Honor, and it has been covered half a dozen times.

The COURT.—Objection overruled.

A. To hold the "Makee" that night. Then he changed his mind, he says to me, he says, "Tom, I think we could run a cable from here to there."

Q. Then he changed his mind on your suggestion that the other place was better?

A. I hadn't given my opinion. He said he had a good mind to run that cable from where the "Makee" was lying on that [1334—500] anchor to the "Celtic Chief." I told him, "No, sir." You want to get your anchor right at the stern to her, but this is sideways; she's pulling that ship sideways. She won't do her no good at all."

Q. So far as you know, it was his intention of using the anchor at that time?

A. That was his intention till I told him better to have your anchor right at the stern of her.

Q. You've spoken of a current that was created in the water by the propellers of the steamers that were pulling. There was a current from the propellers of the Inter-Island steamers, was there?

A. Well, there is current from the Inter-Island steamers that was going to the "Celtic Chief" most of the time.

(Testimony of Tom Mason.)

Q. You think that had a tendency to wash the "Celtic Chief" further on shore?     A. Eh?

Q. You think that tended to wash the "Celtic Chief" further on shore?     A. Oh, no.

Q. You don't think so?

A. It's the water lifting her all the time.

Q. Lifting her?

A. Lifting her, gradually moving in all the time. It's the Inter-Island steamers' propeller and the wave must have done a little lifting in to it, but there's not much, because the steamer's further out of the way, good ways out, and that didn't affect that ship with the full load.

Q. Well, as she was, do you think it affect her?

A. I don't think she affected any by the waves of the propeller, with the current of the propeller washing in.

Q. Now, when the "Arcona" came off; when the "Celtic Chief" came off, did you know what lines of the pulling steamers were out first?

A. I don't know which steamer was let go first. I heard they was hurry up to get the towline at the "Mikahala" off. [1335—501]

Q. Did *you anything* said about the line of any other vessel?

A. I says, "Let go of everything," and I was busy with my own work and I didn't pay no attention to the others.

Q. You didn't see any of the others?     A. First.

Q. What is that?

A. I say I didn't see the first was let go.

Q. Did the steamer lines go overboard before your tackle did?



(Testimony of Tom Mason.)

A. I couldn't say that my cable went overboard first or the line of the other steamer.

Q. You weren't paying any attention to it?

A. I didn't pay no attention. I just watching my cable go overboard without getting tangled up.

Q. As far as you know, the "Mikahala" may have been still attached when your cable went overboard?

Mr. MAGOON.—I object to that. What's the good of knowing that?

A. I didn't say it was not. It was let go or not or the two of them.

Q. One of the two?

A. Yes, let go from the end.

Q. You don't know when it was cut?

Mr. MAGOON.—I object to it because it has been answered.

The COURT.—Mr. Warren may be permitted to ask the question.

Q. You don't know when the "Mikahala" line was cut or let go?

A. Well, I heard them sing out let go the "Mikahala" line then I'm busy tending to my cable.

Q. And you don't know whether it was cut or let go when they hollered after that?

A. I don't know whether they let go or cut.

Q. It took you fifteen minutes from the time the vessel began to move off until you got your line clear?

A. Might be little more.

Q. When that time was up then you observed the lines of the other vessels?

A. The "Mikahala" line? [1336—502]

Q. Yes.

(Testimony of Tom Mason.)

A. The time I was busy overhauling my things they let go the "Mikahala" line, I hear someone say, I couldn't see whether it was Haglund, but someone singing out, but I hear the voice, "Hurry up."

Q. You heard that but you saw nothing?

A. Didn't saw that. They was getting the "Mikahala" line loose. The "Arcona" would pull the "Mikahala" off.

Q. You didn't see them?

Mr. MAGOON.—I object.

A. I didn't see when they let go the line.

Q. Now, when the "Celtic Chief" moved off you say she came almost to a stop when she got out near the "Arcona"?

Mr. MAGOON.—I think that counsel has asked that half a dozen times before.

A. The time she jumped off and the time that we seen the "Arcona" was pretty close. She was moving gradually; she didn't stop all at once till the "Arcona" go away, but she was drifting along close to the "Arcona." I didn't say when she jumped out of the reef and she went to a stop.

Q. Do you know how many lines the "Arcona" had attached to the "Celtic Chief"?

A. I seen two of the wire cable, wire on each side.

Q. Do you know where the "Arcona" line was attached on the starboard side of the "Celtic Chief"?

A. One passing to the side of the "Celtic Chief" on the starboard and one on the port.

Q. Where on the starboard of the "Celtic Chief"?

A. On the starboard?

Q. Yes.

(Testimony of Tom Mason.)

A. I never went and looked at that. Must have been in the after chock or the side chock.

Q. You don't know which.

A. I don't know which, but the starboard line, the starboard cable was across my [1337—503] cable, my blocks, and passing to the mast.

Q. Which mast? A. The main mast.

Q. And it came through the chock right to the main mast? A. Yes.

Q. Then ran along past the main mast along the side of the "Celtic Chief" across the "Mikahala" line, did it not?

A. The "Mikahala" line was in the starboard chock.

Q. Starboard chock? A. Starboard chock.

Q. Quarter? A. Quarter.

Q. And the "Arcona" line crossed over those?

A. I couldn't tell you exactly where the "Arcona" had her towing line. Must be on the side chock. I didn't examine them good. I seen the cable when they heave it the first pulling up and break it. Came through one of the side chock and fastened to the mast.

Q. Main mast? A. Main mast.

Q. And the second time was fastened on the same way on the Ewa side?

A. Well, the second one came in that way the same place I think and heaved over my cable, was hanging right on top of it. Sometime we had to step over that wire.

Q. That's coming from the— A. On the deck.

Q. Coming on deck from the middle chock to the

(Testimony of Tom Mason.)

main mast, you had to step over it there?

A. Pretty well close up to the poop.

Q. The "Arcona" line on the starboard side crossed the "Mikahala" lines on top?

A. I never looked outside the bulwark to see it.

Q. Do you know whether or not the "Arcona" line on the starboard was fastened in any way to the quarter chock with the "Mikahala" line?

A. The "Mikahala" line, I think, was fastened on to the chock not to the mast.

Q. Fastened on what chock?

A. Come through the chock and fastened on to the bitt. [1338—504]

Q. The "Mikahala" line?

A. The "Mikahala" line. But I couldn't tell. I never examined them lines where it was fastened to.

Q. You didn't examine the "Arcona" line on the other side?

A. I didn't examine the "Arcona" line; that was on the other side.

Q. When the "Celtic Chief" was off, floating, and the "Arcona" starting to tow her out, how many lines were there then?

A. I couldn't tell you. Must be two lines, the two lines she had on.

Q. Do you know?

A. I don't know. They must let go one or pull with both of them.

Q. You think they pulled with the both of them?

A. I think they pulled with the both of them. Of course, I never paid no attention to go look over the stern again after she pulled. I went down to my



(Testimony of Tom Mason.)

work to get my pulleys, everything into a place to get ready in the morning to take out to the "James Makee."

Q. Now, the "Arcona" was lying broadside, you say, when she started up. What direction did she move first?

A. She moved that way. Moved and took up her anchor. She shot out to sea then and headed for the bell-buoy, then the "Celtic Chief" was right after her.

Q. The "Celtic Chief" swung around?

A. Didn't swing much. When the "Arcona" shot off that way she followed the "Arcona" stern first.

Q. Did she go directly stern first?

A. Well, the "Celtic Chief" was.

Q. She didn't go a little bit broadside or sideways?

A. Well, I couldn't say that. I wasn't standing like a fool. She must go a little sideways. I don't know. She had a swaying motion and the swaying motion kept the vessel straight but not too straight.  
[1339—505]

Q. Then why did you say she went stern first?

A. That's the way she got pulled away by the "Arcona." She didn't go ahead.

Q. Isn't it a fact that the "Arcona" line on the starboard side of the "Celtic Chief" was fastened amidships and that she pulled the "Celtic Chief" forward through the water?

A. I couldn't say that she were. If the line was on the midship chock and she pulled with when the other line was fastened on the other side, it would go much sideways.

(Testimony of Tom Mason.)

Q. Was the other line fastened on the other side?

A. Must be.

Q. Do you know?

A. I never was standing behind there and look at the thing going. All I know when the "Celtic Chief" out of the reef and the "Arcona" start away pull that's the time that I know that the "Arcona" got charge of the "Celtic Chief" there. I never bother no more about looking till the big boat come along-side and ask for assistance. I never answered the big boat.

Q. Were you on the poop of the "Celtic Chief" when the "Arcona" was towing her out?

A. No, sir; I was down on the main deck clearing my pulleys away.

Q. As far as you know the "Arcona" may have been towing the "Celtic Chief" by a line fastened midships on the starboard chock of the "Celtic Chief"?

Mr. MAGOON.—I object to the question.

The COURT.—Answer the question.

A. The "Arcona" was towing; that is all I know. When she got hold of it and towed she must move a little sideways. I couldn't tell you if she's going sideways or going broadside.

Q. You don't know?

A. I don't know that. I know that the "Arcona" got hold of the "Celtic Chief" and tow her out to sea and headed for the bell-buoy.

Q. That's all you know. That's what I want to find out. [1340—506] You've also testified with regard to the winch on board the "Celtic Chief" that

(Testimony of Tom Mason.)

the captain of the "Celtic Chief" said, "Here, you can't use this winch, we want it for cargo." Did any of the Miller Salvage men use the winch at all after that?

A. They used the winch a little after that then he came and stopped us again then we took it to the capstan again and held it there till the ship jumped off.

Q. You didn't change back to the winch again?

A. No, sir.

Q. Now, when you lashed your block on to the end of the Miller anchor line, you didn't take that off again at any time?

A. To the end of the Miller line.

Q. You lashed your tackle, your big block on the first of the falls, did you not? Tackles?

A. Blocks was attached on to the main hawser.

Q. To the main hawser? A. Main hawser.

Q. You didn't take that block off again at all during operations, did you?

A. No, we just only fleeted the small tackles to keep away heaving on to it.

Q. Now, the other big block on that first tackle, when it was made fast to the lashing, was that changed in any way? Did you take it off?

A. Take nothing off till we got the ship off, only that small tackle.

Q. But never the first one?

A. Never the first one.

Q. How far was it from the foremast back to where your block was fastened to the Miller line?

A. I think it was about two hundred feet.

(Testimony of Tom Mason.)

Q. How much?      A. Two hundred feet.

Q. And where was the block on the deck of the "Celtic Chief," what part of the deck, when you first got the Miller line taut on Wednesday afternoon?

A. The end of the line was hanging over to the poop. [1341—507]

Q. Hanging over the poop?

A. Hanging over the poop.

Q. Isn't that about where it was when you first pulled it on?

A. When we heaved the slack in we came a little farther ahead, about twenty-five feet.

Q. And then it was taut then, was it?

A. Was taut then, yes, and we got the other tackles on then gradually take it in. We took in about twenty or thirty feet.

Q. Twenty or thirty feet of cable?      A. Yes.

Q. That brought the main block, the big block on the cable got up to about where on the deck?

A. Pretty near to the main hatch.

Q. How close, how far apart were those two blocks on the first tackle when the block moved on the deck and the ship came off?

A. Just a little aft of the main hatch.

Q. About how many feet between the two blocks then?

A. Oh, about fifty or sixty feet more.

Q. Fifty or sixty feet?

A. That's between the two blocks on the main block.

Q. You'd have to run that block about fifty or sixty feet more in order to bring the two blocks together?



(Testimony of Tom Mason.)

A. Yes.

Q. Now, you said that when the ship came off everybody said that it would be better, or all said it would be better if the "Celtic Chief" had run into the "Arcona." When you say all said who do you mean said those things? Any particular person?

A. Well, there's lot of native and lot of people there, and the sailor themselves who said be good we all most run into the "Arcona," and some of them said be good that we run into the "Arcona," would be better.

Q. You don't know who said that?

A. I didn't pay no attention. My idea was if we run into [1342—508] the "Arcona" then that would show she was no good.

Q. Did you hear Captain Miller say anything about it? A. No.

Q. Or Pilot Macaulay? A. No.

Q. Or Captain Henry?

A. No; I have no conversation with them when I was doing my work.

Q. You said somebody sung out for the "Arcona" to get out, to get out of the way. Do you know who that was?

A. That's the own officer. When he fired that sign rockets away in a hurry I heard *her* German voice sing out, "Get out of the way, get out of the way."

Q. Did you hear him say that, the officer of the "Arcona"?

A. Well, he had a white suit on like the "Arcona" officer.

Q. He said that in English, did he?

(Testimony of Tom Mason.)

A. He said that broken English. Not German.

Q. Not German, did you say?

A. He said, "Get out of the way, get out of the way."

Q. Do you know when he came on board?

A. In the evening.

Q. In the evening?

A. Yes, I don't know what time in the evening it was, but I see two or three of them running around on the poop deck there with Haglund and the captain of the ship and the pilot.

Q. How long do you think he had been on board before the ship came off?

A. He had been there—I don't know. He had been there, I see the officer there running around on the poop around dark time in the evening before the ship come off. Of course, I don't know if he goes aboard the "Arcona" and come back again. For awhile I see him on the poop walking around.

Q. Do you know where the captain of the "Arcona" was?      A. No.

Q. Going back, referring to your work on the "Mirowira," you said you were there for two days and you left about four hours [1343—509] before she came off the reef?

A. Yes, I was after some particular thing they want on board and they sent me to the Catton Neil factory to get it.

Q. That's how you came to leave the ship?

A. And then I came ashore in a boat.

Q. What are you doing now, Mr. Mason?

A. I'm working with Captain Miller on board the

(Testimony of Tom Mason.)

“James Makee” as deck-hand.

Q. How long have you been working aboard?  
Ever since the “Celtic Chief” accident?

A. Not very *stead* with Captain Miller. Once in awhile we would get laid off; if he got a job for me he send for me to come back and work for him.

Q. What are you doing right now?

A. Still running with the “Makee” towing barges.

Q. For Captain Miller? A. Captain Miller.

Q. And previously to that you worked for the Inter-Island?

A. I worked for the Inter-Island splicing their riggies and rigging boats up and when they got nothing to do for me Haglund laid me off.

Q. You were a deck-hand, weren't you?

A. I was in the rigging loft for a couple of months.

Q. And what did you do for the last year or so that you worked for the Inter-Island?

A. I was a year and six months or two years that I worked for the Inter-Island.

Q. What were you doing?

A. I was making net slings and splicing riggings.

Q. You were night watchman?

A. I was night watchman for Wilder Steamship Co.

Q. Were you not night watchman for the Inter-Island? A. I worked with the Inter-Island.

Q. Weren't you night watchman for the Inter-Island? A. Yes.

Q. That's what you were doing when you left the Inter-Island? A. Yes. [1344—510]

(Testimony of Tom Mason.)

Q. How long had you been night watchman before you left?

A. Altogether, from the Wilder Co., seven years.

Q. Night watchman all the time? A. Yes.

Q. How did you come to leave the Inter-Island?

A. They simply didn't want me there any more.

Q. They let you out?

Mr. WARREN.—That's all.

Redirect Examination.

Mr. WEAVER.—Q. When you, in your cross-examination, referred to the hold that the main block took upon the tackle fixed upon the Miller Salvage anchor, those main blocks—do you understand what I am referring to? A. The main block.

Q. You had two main blocks on the "Celtic Chief." One main block was attached to the cable which in turn was attached to the steel hawser of the anchor of the Miller Salvage Co.?

A. I don't know what you mean about blocks.

Q. You had two treble blocks on the "Celtic Chief," two main blocks? A. Two main blocks.

Q. And you had those on the deck of the "Celtic Chief"? A. Yes.

Q. And one of the blocks was aft and attached—

A. Attached to the hawser, the hawser attached to the wire, cable, shackled on.

Q. Now, in heaving in on those blocks at any time did you or did you not have to fleet that block, that main block?

A. I fleet it by small blocks. I never fleet the main block.



(Testimony of Tom Mason.)

Q. What was the greatest distance between those two main blocks when you began heaving, if you can tell? Greatest distance between the two treble blocks.

A. Good, big distance.

Q. Big distance?

A. Big distance. [1345—511]

Q. You said it was two hundred feet in your cross-examination. A. Yes.

Q. That was the greatest distance it was at any time?

A. That was the distance when we took it in and we took in some; that made it a little shorter.

Q. At the time the tackle dropped on the deck, what was the distance between those blocks, if you could tell?

A. Well, it's about—I couldn't say exactly. Might be one hundred and fifty feet.

Q. What is your idea of the amount?

A. Might be sixty feet. Between the two, I think.

Q. There's a hundred feet between the two of them. What is your estimate of the distance you pulled those blocks together? A. Eh?

Q. What is your estimate of the distance you pulled those blocks together, you pulled the aft block up to the front block? Do I understand your testimony to be that the difference was between that two hundred feet and this fifty and sixty feet you pulled those blocks?

A. I pulled very hard up to her.

Q. Then you pulled on that cable how much between the time you got the line on till the ship came

(Testimony of Tom Mason.)

off? A. From the poop?

Q. Yes.

A. From the time I hooked on that first tackle and we pulled them in must have been about ten o'clock and take in the slack; then we attached on to the other tackle.

Q. How much had that after one moved from the position it was in when you first pulled in this ten feet that you have spoken of and the position it was when the blocks dropped?

Q. When we started to pull that main tackle taut and we got the other one on, we pulled it taut and the blocks commenced to rising up and the tauter we heaved the cable, of course, tightened her up and tightened up and she go pretty [1346—512] high on the deck.

Q. Where was that after block then with regard to the vessel, "Celtic Chief," the break of the poop?

A. Break of the poop?

Q. How far was that from the break of the poop?

A. The main block was about as far from here to the stand here and a little close from the wall. From the break of the poop to where the main hatch was where they was working cargo just between the main mast and my back and I was good way from the poop.

Mr. MAGOON.—Can't you tell us how far that after block travelled towards the forward block? Have you got the question? I want to find out how far that after block travelled.

A. It's pretty far from the other blocks.

Q. How far did it go when you began your strain? How far did that after block travel?

(Testimony of Tom Mason.)

A. About one hundred and fifty or one hundred and sixty feet.

Q. One hundred and fifty or one hundred and sixty feet? A. Yes, something like that.

Mr. MAGOON.—That's all, thank you, Mr. Mason.

Recross-examination by Mr. WARREN.

Mr. WARREN.—Q. Do you think that block travelled one hundred and fifty or one hundred and sixty feet? That would leave only forty feet between the blocks, wouldn't it?

A. What?

Q. That would leave forty or fifty feet between the blocks?

A. I didn't say it would leave forty feet from the block. I says travelling that two hundred feet.

Q. Travelled that two hundred feet?

A. I said that two hundred and we took off twenty-five or thirty-five feet first haul. Why, there's pretty long distance from the after block to the other block.  
[1347—513]

Q. Then you took in more slack?

A. Well, we kept a gradual slowly taking in all the time till she jumped off.

Q. Then when she jumped, how far apart were those two blocks?

A. I didn't pay no attention to go and measure.

Q. About how far?

A. Must be sixty or seventy feet farther. Of course, when the blocks dropped that's all I know.

Q. Would you say it dropped about the main hatch?

(Testimony of Tom Mason.)

A. It dropped pretty close to the after hatch.

Q. The after hatch?

A. Aft of the main hatch, just pretty close the corner of the main hatch were they was breaking out the cargo.

Mr. WARREN.—That's all. [1348—514]

[Testimony of Richard Clarke, for Libelant.]

Direct examination of RICHARD CLARKE, a witness called on behalf of Miller Salvage Co., Ltd., and sworn.

Mr. MAGOON.—Q. What is your name?

A. My name is Richard K. Clarke.

Q. How old are you?

A. I'm going to thirty-three now.

Q. Where do you live?

A. I live up Kalihi.

Q. Have you ever had any experience in salving vessels?

A. Well, I had experience when I went to work under Medcalf.

Q. Where was that?

A. On the other side of the Island.

Q. What ship? A. "Manchuria."

Q. How long were you working there?

A. I was down there with them about ten days.

Q. In what capacity was you working there?

A. Helping on rigging.

Q. Did you observe what the operations were with reference to salving that ship? Did you look to see what was done in the salving of the "Manchuria"?

A. Whatever he gave me as laborer, I obey his



(Testimony of Richard Clarke.)

order; laying out the anchor for him.

Q. State whether or not you had an anchor in the salving of that ship. A. Anchor?

Q. Used an anchor?

A. We used that one that Miller has now.

Q. Used the one that Miller has now? [1349—515]

A. Yes, we used that one for the leading anchor; first anchor.

Q. That means chief anchor?

A. Yes, the chief anchor.

Q. Were there ships pulling on that "Manchuria"?

A. There was no ship pulling; the "Restorer" was hanging on.

Q. When she came off, were there any ships pulling? A. No, sir.

Q. How was she pulled off?

A. She was pulled off by the anchor.

Mr. WARREN.—I object to that, if the Court please, on the ground it doesn't appear the witness is qualified to answer that.

Mr. OLSON.—Same objection.

The COURT.—I'll sustain the objection as to the form of the question.

Mr. MAGOON.—Q. What did you see as to the means of pulling? When the "Manchuria" was pulled off the reef what was she pulling on?

A. She was heaving on that anchor.

Q. Was she heaving on anything else?

A. Just the anchor alone.

Q. Was anything else heaving on her when she came off? A. No, sir.

Q. Prior to the time that she came off the reef, had

(Testimony of Richard Clarke.)

anything been pulling on the "Manchuria" before the anchor was put down?

A. Well, there was some Inter-Island boat was down there before I got down there and I didn't know what they was doing before I was down there until Medcalf came on Pacific Steamship and picked me up. He says, "I take this young man with sixteen others." We laid these anchors. [1350—516] Of course, the "Restorer" was laying there.

Q. Now, after you got out there did any boats, ships pull on the "Manchuria"?

A. There was none of them pulling; none of them pulling.

Q. And during all the time that you were there did any of them pull? A. No.

Q. Now, you had the Miller Salvage anchor?

A. Well, I didn't know it was Miller Salvage.

Q. You called it the same anchor that Miller used?

A. Same anchor.

Q. Do you know how many tons that anchor was or is?

A. Well, she is between six and seven tons anchor.

Q. You say that was the chief anchor, what you called the leading anchor; did you have any other anchors? A. Where, at the "Manchuria"?

Q. Manchuria." A. Yes.

Q. How many?

A. We had three from the Navy.

Q. What size were they?

A. They are five ton and a half anchor.

Q. Three of them? A. Three of them.

Q. Now, did you pull on them at all?

(Testimony of Richard Clarke.)

A. We string them all out.

Q. When the "Manchuria" came off did you pull on those anchors? Describe the leading anchor.

A. The leading anchor branched to those other anchors. The leading anchor like this; cable connection with the other. The Navy anchor we lay them fifty or sixty fathoms away all kind direction. When we come to heave to them all come one side.

Q. Pulling on all the same time?

A. All the same time. [1351—517]

Q. What kind of cable did you use from the leading anchor—manilla cable or steel cable?

A. I can't tell you the the manilla, but I heard it was a steel.

Mr. OLSON.—Move to strike then, if the Court please, on the ground it is hearsay.

The COURT.—Granted.

Mr. MAGOON.—Q. Did you see the cable that went from the "Manchuria" to the leading anchor or any part of it?

A. There was connection to every one of them.

Q. Did you see those connections? A. Yes.

Q. What kind of rope was it? A. It's a wire.

Q. Wire rope. How many wire ropes, one or more? A. Well, they had more than one.

Q. How did you connect the ropes to the anchors?

A. We connect those wires with what we call clamps, these heavy clamps.

Q. How many ropes did you have? A. Wire?

Q. Any kind of rope?

A. They branched this way. They had the main cable that branched out from her to that door and

(Testimony of Richard Clarke.)

have another one to the buoy on it.

Q. This main cable, how large a cable was that?

A. Well, it is pretty good size cable.

Q. Was it wire or rope? A. Wire.

Q. Can you tell us how big it was in diameter?

How many inches around?

A. I have no idea about diameter.

Q. Not diameter but circumference? [1352—518]

A. I have no attention sizing up that wire because I was in a hurry.

Q. Now, did you have any other salvage experience? A. Worked on the "Logan."

Q. Where was the "Logan" stranded?

A. Right in the harbor.

Q. Did you get her off?

A. Well, I working on this cargo. I discharged this cargo.

Q. Did she come off while you were working there?

A. We had an anchor from her and put it out on the stern.

Q. Were you there when the "Logan" came off?

A. Yes.

Q. Did you see the operation of getting her off?

A. At first we tried the "Kukui" and one of these man-of-wars; I don't know what's her name.

Q. "Arcona"? A. "Arcona."

Q. The German cruiser? A. "Arcona."

Q. Are you sure it was the "Arcona"?

A. It was man-of-war there pulling. I heard they say man-of-war.

Q. You heard it was a German man-of-war?

A. I heard it was German man-of-war.



(Testimony of Richard Clarke.)

Q. But you don't know whether it was the "Arcona"? A. I don't know "Arcona."

Q. You say the "Kukui" and the German man-of-war, did they pull it off? A. No.

Mr. WARREN.—Object to the question.

Mr. OLSON.—On the ground the witness does not know what means was used to take her off. Object to it on the ground that it doesn't appear that the witness is qualified to answer.

Mr. MAGOON.—[1353—519] Q. What forces were in operation at the time she came off, Mr. Clarke?

A. Well, they took the anchor out and they heaved on it when the high tide came up.

Q. At the time that she came off in that way were the German man-of-war and the "Kukui" pulling on her? A. They was away from her.

Q. They were not pulling then? A. No.

Q. Was there any other forces at work to get her off besides those anchors—anchor?

A. I had no idea about that.

Q. Did you see anything else besides the anchor?

A. The anchor I saw taking them out because they sung out to me to give them a help so I sent four men there to help the sailors.

Q. And she was pulled off?

A. She was pulled off.

Q. Now, have you ever had any other salvage experience?

A. Just this last one, the "Celtic Chief."

Q. What position did you hold in the salvage of the "Celtic Chief"?

(Testimony of Richard Clarke.)

A. Mr. Miller called me up to pick up some labor. He said "Go out and discharge her cargo." When we got out that morning we worked on its freight.

Q. How many men did you take out with you, about? A. About sixty or seventy men.

Q. Can you tell us how much, the time of those men from the time that you began working until you stopped work? Have you got it? A. Yes.

Q. Tell us, please, how much the wages came to for the men that you employed. Give the whole thing.

A. I never put all down. I can easily figure up. [1354—520]

Q. While Mr. Olson is looking at it, from the time that you were working out there were you working all the time for the Miller Salvage Company?

A. Yes.

Q. Employed by Mr. Miller?

A. Employed by Mr. Miller.

Q. You have a book here. State when you made the entries in this book. Did you make it every day or every three or four days or how?

A. Every day.

Q. Now, when is the first entry that you made there, what day? A. On Monday.

Q. What day of the month?

A. December the sixth.

Q. You have entered there, have you not, the men's names with the time of each man? A. Yes.

Q. And the wages; the amount of his wages?

A. Yes.

Q. Can you tell us, can you figure up, tell us how

(Testimony of Richard Clarke.)

you figured the time up for all the men. I just want to get the total amount.

Mr. OLSON.—Q. Did you pay these men yourself? A. I stayed by the paymaster.

Q. What? A. They had one paymaster.

Q. Who had a paymaster? A. Miller.

Q. Miller had a paymaster where?

A. We paid those men down the Matson Dock.

Q. You saw each one of these men paid?

A. I was checking over.

Q. So that you know that the amounts were paid them? A. Yes.

Q. And you have a memorandum there in your book of the men, the time that each man spent, that he was paid for actually?

A. Yes, sir. [1355—521]

Mr. MAGOON.—Q. I'd like for you to give the amount, total of all the men's wages during that time.

(Witness figures.)

A. Total, \$726.80.

Q. Monday how many men worked?

A. Monday?

Q. Yes. How many men altogether and how many hours overtime?

A. Thirty-one men got three-quarters of a day.

Q. How much overtime did they work?

A. As soon as we got the three-quarters of a day—

Mr. STANLEY.—Q. At what rate were those men paid? A. \$2.00 a day.

Mr. MAGOON.—Q. Now the overtime?

A. Twenty-five men got eleven hours overtime.

Mr. OLSON.—Q. Also on Monday?

(Testimony of Richard Clarke.)

A. Monday, yes.

Mr. MAGOON.—Q. What's the rate for overtime?

A. They were getting fifty cents an hour; double time. Nine men eight hours overtime that night.

Q. How much an hour?

A. They got fifty cents an hour.

Q. Now on Tuesday. Are you through with Monday? A. Monday, no.

Q. How much more is there for Monday?

A. Yes, I'm through with Monday.

Q. Tuesday how many men worked?

A. Forty-nine men on Tuesday all day. [1356—522]

Q. At how much a day? A. \$2.00 a day.

Q. Any overtime?

A. Overtime? Yes. Twenty-six men, five hours overtime.

Q. At half a dollar an hour? A. Yes.

Q. On Wednesday?

A. No. I'm not through with this. Twenty-one men got eleven hours overtime.

Q. At half a dollar an hour?

A. Half a dollar an hour.

Q. On Wednesday how many men worked?

A. On Wednesday, twenty men half a day.

Q. At \$2.00 a day?

A. \$2.00 a day, yes; half a day. Twenty-six men full day.

Q. At \$2.00 a day? A. \$2.00 a day.

Mr. OLSON.—Q. That's on Wednesday also?

A. Wednesday also.



(Testimony of Richard Clarke.)

Q. That's in addition to the others?

Mr. MAGOON.—Q. Any overtime?

A. Just a moment. Twenty-six men, ten hours overtime.

Mr. OLSON.—Q. How many? A. Twenty-six.

Mr. MAGOON.—Q. At half a dollar an hour?

A. Yes.

Q. Any overtime on Wednesday? Is that all the overtime on Wednesday? A. Wednesday.

Q. Any work on Thursday? A. Thursday.

Mr. OLSON.—I object on the ground that the proof shows that there were no salvage services on Thursday.

Mr. MAGOON.—Q. Did you do anything in the matter of salvage on Thursday?

A. We had to get our anchor aboard.

Q. And what did you do? What was all the work that you did on Thursday?

A. Taking the anchor aboard [1357—523] the "Makee" and we went out there next to the Quarantine Island.

Q. Putting your anchor ashore?

A. Putting her there.

Q. How many men worked on Thursday?

A. Thursday, twenty men.

Q. All day? A. Yes.

Q. One day? A. One day.

Q. Any overtime? A. No overtime.

Q. At \$2.00 a day? A. \$2.00.

Q. Twenty men at \$2.00 a day. During the time that these men were working, did you feed them or did they feed themselves?

(Testimony of Richard Clarke.)

A. The first night the Salvage Co. bought some stuff for them.

Q. And the second night how did they get their food?

A. The second night the boys got their food from the shore.

Q. Do you know who furnished that?

A. I can't tell.

Q. Now, the first day, on Monday, you discharged cargo did you?     A. Yes.

Q. On Tuesday did you discharge any cargo?

A. Tuesday we came ashore in the morning.

Q. All of you, all the men?     A. All the men.

Q. Then you came ashore with the cargo?

A. Yes, with the cargo.

Q. Did you discharge any cargo on Tuesday?

A. From the "Makee" we discharged the cargo of, from the "Celtic Chief."

Q. I mean, did you get any cargo from the "Celtic Chief" [1358—524] on Tuesday?

A. I have no idea because I came ashore that night with a bunch of men.

Q. Now, on Tuesday what kind of work did you do?

A. We unloaded the "Makee" and we put some cable on board and the anchor.

Q. This large anchor; this six or seven ton anchor?

A. Yes.

Q. You took it out to the sea beyond the "Celtic Chief" and anchored there that night?

A. Yes. When we got there the "Mokolii" wouldn't take us a line so we slept there that night.

(Testimony of Richard Clarke.)

(Answer read.)

The WITNESS.—Take our line on board.

Q. Did you send a line out that night?

A. We tried to but we can't get a line on board.

Q. Did you send a line? A. In the morning.

Q. What time in the morning?

A. I got no object what time.

Q. Early in the morning?

A. Quite early in the morning.

Q. Did you send it there from the place that you had anchored that night or send it from some other place?

A. When I left I went alongside the "Celtic Chief" and hauled that small anchor and dropped ahead that big anchor. What we call the seven ton anchor, right astern the "Celtic Chief."

Q. But that wasn't the same place you anchored for the night? A. We hauled ahead again.

Q. Were there any other boats attached to the "Celtic Chief" at that time?

A. Well, a couple Inter-Island boats was there.  
[1359—525]

Q. Do you know which they were?

A. My memory is the "Helene," and the "Mikahala."

Q. Now, with reference to the "Helene" and the "Mikahala," where did you drop your anchor? On one side or between of the two?

A. Between the two.

Q. Do you know whether a German warship was there or not?

A. Not at that time, when we dropped our anchor.

(Testimony of Richard Clarke.)

Q. Do you know whether the "Intrepid" was there or not? A. Yes, she was.

Q. Was she attached to the "Celtic Chief" at that time? A. She was attached.

Q. Any other boats besides the "Intrepid," the "Mikahala," and the "Helene"?

A. I saw the "Mauna Kea" came over and fastened her line.

Q. I'm asking on Wednesday morning when you attached your line were there any other ships attached at that time; when you put your anchor down that morning were there any other ships?

A. "Mauna Kea" was there that morning, too.

Q. Where was the "Mauna Kea" with reference to the "Mikahala" and the "Helene"? Was she between them or outside.

A. Between of the "Helene."

Q. Between the "Helene" and the "Mikahala"?

A. I think it was the tugboat.

Q. Any other boats besides the "Mauna Kea" that morning that you haven't given that you can remember? A. No I could not remember.

Q. Now, after you attached your anchor what did you do? A. Well, we haul in our hawser.

Q. To where?

A. To the stern of the "Celtic Chief." [1360—526]

Q. You don't know the size of that hawser?

A. No, I haven't got no idea of the hawser.

Q. Who was the person in charge of that work, hauling in the hawser?

A. I was in charge with four laborers hauling in.

Q. Four men? A. Four men.



(Testimony of Richard Clarke.)

Q. Where was Tom Mayson?

A. Well, they came later on. You know, he took the second boat.

Q. About how far astern do you think it was, of the "Celtic Chief," that you dropped the Miller Salvage anchor?

A. Well, it's quite a far distance.

Q. Will you, could you give us some idea how many fathoms or how many feet?

A. I can't tell exactly. Somewhere around about one hundred and twenty-five feet or one hundred and fifty feet.

Q. How long was the "Celtic Chief."

A. I got no idea. I don't know what's her size. Pretty long boat.

Q. Should you say that the distance from the stern of the "Celtic Chief" to the anchor where you dropped the anchor, was greater or less than the distance from the "Celtic Chief" to the bow of the "Celtic Chief." Which was the greater?

A. I think the anchor is greater distance than the boat.

Q. Where was the anchor with reference to the "Helene" and the "Intrepid" and the "Mikahala" and the "Mauna Kea"—was it between those, the stern of those ships and the "Celtic Chief" or was it further out?

Mr. OLSON.—I object to the question on the ground it is leading.

Q. Where was the anchor with reference to where those ships [1361—527] were standing?

A. Well, they run it on that side. We got the anchor this way.

(Testimony of Richard Clarke.)

Q. The "Helene" was on this side, the starboard side of the "Celtic Chief" or the port side?

A. Is that the starboard side on the left side?

Q. Speaking of the right-hand side of the "Celtic Chief"?

Mr. WARREN.—We object to the witness being instructed by counsel. This is the starboard side of the "Celtic Chief"?

The COURT.—Objection overruled.

Mr. MAGOON.—Q. The right-hand side being the starboard side and the left-hand side being the port side of the "Celtic Chief" or any ship? What side of the "Celtic Chief" was the—

A. The "Helene"?

Q. "Helene," yes? A. That's on the port side.

Q. On the left-hand side?

A. The left-hand side.

Q. Now, I was trying to find out where the anchor was with reference to those boats. Where was the anchor? A. Right dead astern.

Q. Dead astern of what?

A. Of the "Celtic Chief."

Q. And how far or how near or how far away or how near to those other ships?

A. I have no idea about it.

Q. What I'm trying to get at is, was it in the same line with those steamers.

Mr. OLSON.—I object to the question on the ground it is leading. [1362—528]

Q. Or was it between those steamers and the "Celtic Chief"?

Mr. OLSON.—I wish to add an additional objec-

(Testimony of Richard Clarke.)

tion on the ground the question has been asked and answered.

The COURT.—Objection overruled.

Mr. MAGOON.—Q. Did you understand my question, Mr. Clarke? A. I didn't understand.

(Question read.)

Q. Or was it outside of those steamers, the Miller Salvage anchor?

A. Inside of the steamers. The steamers were this way.

Q. What's that? A. Inside of the steamers.

Q. The Miller Salvage anchor was between the steamers and the "Celtic Chief"?

A. The steamers were this way and the "Celtic Chief" lying this way and our anchor between.

Q. What I'm trying to get at is where the anchor was with reference to the "Celtic Chief." Was it between those steamers and the "Celtic Chief"?

Mr. OLSON.—Object to that as leading.

Mr. MAGOON.—I withdraw all the questions then and ask it this way. How far was that Miller salvage anchor when it was dropped, from the line of the steamers that were pulling there or attached to the "Celtic Chief"?

A. I've got no idea about it, those steamers and the anchor.

Q. Were those steamers all in the same line or not?

A. No.

Q. Which was ahead and which was behind or which was nearer the "Celtic Chief"?

A. They are all pretty far out from the "Celtic

(Testimony of Richard Clarke.)

Chief." I can't make out. I seen them floating outside. I got no intention to look at them. [1363—529]

Q. Now, how far were those steamers away from the "Celtic Chief"?

A. I got no object about it. I don't know. I seen them floating outside.

Q. Were they farther away or nearer the "Celtic Chief" than the Miller salvage anchor? Which was the farther away—which was the nearer?

A. I think the "Mikahala" is the nearest.

Q. I'm asking you about the Miller Salvage anchor. Were the steamers nearer the "Celtic Chief" than the salvage anchor or were they further away than the Miller salvage anchor from the "Celtic Chief."

Mr. OLSON.—Object to it; asked and answered.

The COURT.—Allow the question.

Mr. MAGOON.—Q. Which was nearer, or closer, the "Celtic Chief," the steamers or the Miller salvage anchor when you dropped it?

A. The steamer "Mikahala" is the closest.

Q. She was closer to the stern of the "Celtic Chief," was she? A. Yes, pretty close.

Q. How far beyond the "Mikahala" then, outside the "Mikahala," was it that the Miller salvage anchor was?

A. Can't tell you about that, because when we dropped the anchor I went aboard and I got the buoy floating and I took the boat right away. I got no idea about that, how far.

Q. Well, after you dropped the anchor could you



(Testimony of Richard Clarke.)

see that buoy or not that you dropped? A. Yes.

Q. Could you see it when you were working on the "Celtic Chief," the buoy?

A. We saw it afloat. [1364—530]

Q. You saw it afloat. Now, when you got on the "Celtic Chief" state whether or not these steamers which were lying off there in the neighborhood, the "Mikahala," the "Helene," and the "Mauna Kea" were pulling?

A. They was pulling when I went aboard the "Celtic Chief" till the rope give way, the "Mauna Kea's" rope.

Q. Where was that rope attached that gave away?

A. On the port side.

Q. To what was it attached?

A. Attached to the bitt.

Q. Do you know what caused it to give away?

A. Well, I guess when they gave that jerk.

Q. When who gave the jerk?

A. The "Mauna Kea."

Q. The rope parted?

Mr. WARREN.—I ask that the answer be stricken out as a guess of the witness, your Honor.

Mr. MAGOON.—Did you see what caused the rope to give away?

A. Well, that's what I thought because when the steamer made a full speed forward bound to carry away anything, bound to carry it away.

Q. After she carried away that rope, what did she do?

A. Well, she went right in the dock. She left.

Q. She didn't pull any more. That left the "In-

(Testimony of Richard Clarke.)

trepid," the "Mikahala" and the "Helene" pulling, did it?

A. They was pulling and at the same time they was heaving cargo; the "Helene" taking in cargo aboard.

Q. How did she take in cargo? A. By hoisting.

Q. Where was the "Helene" when she was taking cargo? A. On the port side.

Q. Then she was not pulling?

A. I can't tell you she was pulling or not [1365—531] because I see his line in the water.

Q. Right alongside the "Celtic Chief"?

A. Quite a distance.

Q. How did she get the cargo from the "Celtic Chief" on the "Helene."

A. Take them out on the boats.

Q. Small boats? A. Small boats.

Q. And didn't you observe whether or not she was pulling? A. I got no object about it.

Q. Didn't notice? A. Didn't notice.

Q. Did you notice the "Mikahala"?

A. Those two lines was hanging in the water. I'm not sure because you can't see well. It was dark there.

Q. From what you could see of the line, could you say whether they were pulling or not?

A. When I went aboard that morning I see them working on the water trying to get astern because she was pulling astern all the time, those Inter-Island boats, and afterward they slow it down.

Q. Were they pulling first time full speed or slow?

A. They was pulling full speed.

Q. Then they slowed down? A. Slowed down.

(Testimony of Richard Clarke.)

Q. Did you see the "Likelike" around there?

A. She was around there in the morning.

Q. Was she pulling?

A. I see her around there but I ain't quite sure.

Q. Could you give us the location of those boats— which was on the Diamond Head side and which was on the Ewa side and which was in the middle?

A. The "Mikahala" was on the Diamond Head side.

Q. What was next to the "Mikahala"?

A. This tugboat, "Intrepid."

Q. And what was next to the "Intrepid"? [1366—532] A. The "Helene."

Q. And what was next to the "Helene"?

A. There were three of them there when the other one, "Mauna Kea," the line carried away. There was three left.

Q. Do you know where—do you know which was next to the "Helene"? A. The "Intrepid."

Q. I thought you said that the "Intrepid" was on the Diamond Head side?

A. The "Mikahala" on the Diamond Head side, the "Intrepid" in the sea, and the "Helene"—

Q. The "Intrepid" was next to the "Mikahala"?

A. Yes.

Q. And next to the "Intrepid" was what?

A. The "Helene."

Q. And next to the "Helene" was what?

A. No more boats.

Q. Where was the "Mauna Kea"?

A. She left before.

Q. That's what I'm trying to get, when you first

(Testimony of Richard Clarke.)

went there in the morning where was the "Mauna Kea"?

A. The "Mauna Kea" between the "Intrepid" and the "Helene."

Q. The "Intrepid" and the "Helene"?

A. Yes.

Q. And where was the "Likelike"?

A. I can't tell where was the "Likelike." I saw him out there but I didn't know where he got his lines.

Q. Now, state whether or not the Inter-Island had had boats out ahead out at the stern of the "Celtic Chief" from the time she went on the reef. I withdraw that. When was the first time that you saw that there were boats out astern of the "Celtic Chief"? A. I saw them in the morning.

Q. Which morning? [1367—533]

A. I think it was Wednesday morning.

Q. How about Monday morning?

A. Monday morning what I saw out there was the launch "Huki Huki."

Q. From the time on Monday, did the Inter-Island send any boats out? A. I don't know.

Q. How about Tuesday, did they have any boats out on Tuesday?

A. I don't know. Wednesday, I know, on Wednesday morning because I came in Monday night, discharge my freight and go out that night, Tuesday night, and we stop out there until Wednesday morning I went aboard.

Q. Now, when did the "Arcona" come there?

A. Saw her around there in the afternoon.



(Testimony of Richard Clarke.)

Q. And what did she do? What day was that—Monday, Tuesday, or Wednesday?

A. I don't know; I think it was Wednesday.

Q. What time was it?

A. Well, she run a line on board of her.

Q. Where did she lay?

A. She lay right on top our anchor.

Q. Between what ships?

A. Between the "Mikahala" and the "Helene."

Q. What did she do?

A. She pulled, part her cable.

Q. Then what did she do?

A. Well, the sailors came aboard of her, fixed up her cable again and waiting for high tide, as I understood.

Mr. OLSON.—Object and move to strike on the ground it is hearsay and a conclusion of the witness.

Mr. MAGOON.—"Waiting for high tide I understood," may go out. [1368—534]

The COURT.—Stricken.

Mr. MAGOON.—Q. When they fixed up the cable what did they do? How did they fix it?

A. Well, fast new cable.

Q. Do you know how many cables?

A. Well, they have two cables, in each chock got one.

Q. Now, after that, after the "Arcona" got these two cables fastened to her, did you notice whether she did any pulling or not?

A. Oh, I don't think she was pulling; they was waiting for high tide.

Q. Was she pulling? Could you see whether or

(Testimony of Richard Clarke.)

not the water was turning up at her stern?

A. No, I got this anchor to tend to.

Q. Where was the anchor with reference to the "Arcona" or this German man-of-war?

A. Her anchor?

Q. Yes. A. The "Arcona's" anchor?

Q. Yes. A. She right in front her bow.

Q. Could you tell which way she was lying? Which way was her bow lying?

A. The bow was lying to Diamond Head, lying this way; right back astern of the "Celtic Chief."

Q. The bow was lying towards Diamond Head?

Mr. OLSON.—I object to that statement on the part of counsel.

A. The bow was to Diamond Head and her stern, the stern astern of the "Celtic Chief." The bow lay this way and the "Celtic Chief" lay this way. (Indicating.)

Q. The bow, you said, was lying towards Diamond Head, is that right? A. Her bow, yes, sir.

Q. Where was the stern of the "Arcona" pointed?

A. Pointed down this way. [1369—535]

Q. What do you mean by this way? Which way? Towards Kauai?

A. Towards Kauai, this way.

Q. Pointed right straight for Kauai?

A. I saw that she was laying this way.

Q. With reference to the points on this Island, never mind Kauai, which way was the bow?

A. Kaena Point, that is straight from Diamond head to that.

Q. Her stern was towards Kaena point?

(Testimony of Richard Clarke.)

A. Yes.

Q. And her bow was towards Diamond Head?

A. Towards Diamond Head.

Q. Well, now, and which way was the "Celtic Chief" lying? Which way was the "Celtic Chief" pointed? A. She was pointing shoreward.

Q. The stern?

A. The stern poke out into the sea.

Q. And which way was the bow pointing, of the "Celtic Chief"?

A. Pointing right into shore.

Q. Which way?

A. That's Kalihi, pointing between Kalihi and Moheola, Quarantine Island.

Q. How was she pointing toward Quarantine Island? A. The bow.

Q. And the stern was pointing which way?

A. Out in the sea.

Q. Now, I'd like to have you draw that as near as you can. Draw, if you please, the shore line.

(Witness draws.)

Q. Now, place the lighthouse there. Where was the "Celtic Chief" lying and which way was she lying? Make a round mark. Now, where was the "Arcona" lying and which way was she lying?

A. Diamond Head here.

Q. Oh, "Mikahala" there. Write "Mikahala." Now write [1370—536] "Celtic Chief." "Helene." Write "Miller."

Mr. OLSON.—Put a big "A" for the anchor.

Mr. MAGOON.—Q. Now, where was the "Intrepid"?

(Testimony of Richard Clarke.)

A. The "Intrepid" got the line, her line was here. (Indicating on paper.) They cut it off.

Q. Put the "Intrepid," write here the word. The lighthouse now.

Mr. OLSON.—Put a big "L" for the lighthouse.

Mr. MAGOON.—Let me mark here Diamond Head.

Mr. WEAVER.—Q. Now, where's the Quarantine Island? A. Quarantine Island. (Indicating.)

Mr. OLSON.—Big "Q."

Mr. WEAVER.—Big "Q. I."

Mr. MAGOON.—Q. Where did you place the Quarantine Island—right there or right here?

A. Right here.

Q. Who rigged the purchase for the Miller salvage cable? A. Weisbarth and Tom Mayson.

Q. Were you present watching operations or not?

A. I was one of them.

Q. About what time did you get the purchase, or the cable taut?

Mr. OLSON.—I object to the question on the ground that it assumes—

Mr. MAGOON.—What did you do with reference to the cable attached to the Miller salvage anchor?

Mr. WARREN.—I object to that question, if the Court please, on the ground it appears that the witness didn't do it; that Wiesbarth and Mayson did it. [1371—537]

Mr. MAGOON.—Q. What did you all do?

A. I place some men—

The COURT.—That question is not limited to any special work.

Mr. MAGOON.—I said with reference to the Mil-



(Testimony of Richard Clarke.)

ler salvage cable.

The COURT.—I allow the question.

Mr. MAGOON.—Answer the question Mr. Clarke. What work did you do with reference to the Miller Salvage cable?

A. Placed the men. Tom Mayson, I gave him four men to help at this job and six men to Wiesbarth and I had some men on the forward poop to get this windlass ready.

Q. And then what did you do?

A. Well, we commenced to rig up our blocks.

Q. And after you got your blocks rigged up what did you do? A. Hauled taut on it.

Q. Hauled taut on what?

A. On my hawser, and her blocks.

Q. What was that hawser attached to?

A. Attached to the main tackle.

Q. And then what was the main tackle attached to?

A. Attached to the second purchase we got. We had three purchases. The second purchase attached to the hawser, the third purchase fastened to the second purchase.

Q. How was the block of the main fall attached to the Miller salvage anchor? What was there between the two? How were your falls attached to the Miller Salvage anchor? How were they connected?

A. Oh, well, we connected with a hawser.

Q. With a hawser? A. With a hawser.

Q. What was the hawser connected to? [1372—538]

A. Connected to the wire cable.

Q. Now, you say you hauled taut on that hawser,

(Testimony of Richard Clarke.)

did you? A. Yes.

Q. Were you on the Miller, "Celtic Chief" all that time, Mr. Clarke?

A. I was there all day and all night.

Q. Did you leave the "Celtic Chief" at all for a short time—go off for a bit somewhere?

A. Not when we connection our anchor on.

Q. What I'm after is what did you do with reference to that?

A. I was on board of her all the time walking fore and aft watching my blocks and watching the men.

Q. How was the hawser that was attached to the cable brought to the "Celtic Chief"? How was that hawser, how did you get that hawser on board the "Celtic Chief"?

A. Well, taking in all the time.

Q. How did you get it on board the "Celtic Chief" the first time?

A. We got it down there the first time, four men and myself, with a small snatch block taking in that hawser.

Q. Now, you say that you got the line taut?

A. Yes.

Q. This cable to the Miller Salvage anchor got taut? A. Taut.

Q. About what time was that when you got it taut.

A. I've got no idea about time because I was busy all the time.

Q. Was it in the forenoon or the afternoon?

A. In the afternoon.

Q. How did you get it taut? You've explained to us about three purchases; how did you make this line

(Testimony of Richard Clarke.)

taut? Did you have a windlass or a winch or how?  
[1373—539]

A. First we had the winch and the Inter-Island was using pretty busy on it so we shifted off to the windlass.

Q. How many men did you use on the windlass?

A. I had sixteen men forward.

Q. Any aft?

A. Well, I had some men watching the block and two men put on the poop in case of burning up that cable we got somebody to wet it up.

Q. Do you remember who those men were?

A. I had one Kakai Kau.

Q. Do you remember the other one?

A. The other one used to run around the deck. Sometime I see him go there smoke around, run around the deck.

Q. After you got the Miller salvage cable taut, what did you do the rest of the day?

A. What I do?

Q. Yes, with your men.

A. While my men was working at the windlass, some on the purchase watching and was hauling in inch by inch when she made the first jump. So we sung out—the men put a stop on our cable to fleet our blocks out.

Q. When did she make the first jump, do you think?

A. First time, I can't tell. I think it was between eight and ten o'clock.

Q. In the morning or in the night-time?

A. At night-time.

(Testimony of Richard Clarke.)

Q. How far did she move at that time, did you think, would you say?

A. Oh, we feel it on our fleeter about half the length of the ship; that's the first one we got.

Q. What do you mean by half length of the ship?

A. That is our first purchase. Number one is last one we attached to the windlass. [1374—540]

Q. But you spoke of something about half the length of the ship. What did you have reference to there?

A. Of the purchase when she made that jump.

Q. I'm trying to get how far the ship jumped.

A. You asked me what is the objects I got and I said—

Q. What did you say?

A. When you asked me about the length of the ship I said the first purchase I got, three and one-half inch rope pulled together and we had to fleet it out.

Q. What I'm trying to find out by you, Mr. Clarke, if you can tell us, how far the ship moved that first jump, not the fleeting of the purchase?

A. I felt it bump; that's all I know.

Q. Supposing the ship was lying as she was, can you tell us how far she moved astern?

A. Well, I had a light from the buoy to the shore, two lights, and when she jumped I went to my sight and I could tell she was moving.

Q. Could you tell how far she was moving?

A. I couldn't tell.

Q. But you felt she was moving?

A. I felt she was moving.

Q. Now, after you felt she was moving that way,



(Testimony of Richard Clarke.)

what did you do? I'll withdraw that. After you felt this first jump you felt that she was moving, what did you do with your blocks?

A. We put a stop on our hawser and we pulled it up, that lines; take them out again, take them out the purchase.

Q. Now, how near was these two blocks together, this third purchase block at the time you fleeted them? How near were those blocks together?

A. It ain't very close. I think from here to that chair [1375—541] where that hat is.

Q. About eighteen feet? A. Eighteen feet.

Q. When you fleeted your blocks that time, this third purchase block, how far did you shift the blocks?

A. Well, the block, the first block we got is from the fore part of the ship to the forward part of the poop. That's where the first block reaches. The second block comes about a foot away from the other; we had it fastened again to the bitt, we can't put it up together; first thing you know we get jammed together, the third block is between them.

Q. You say that when the ship gave a jump the third of the blocks were about eighteen feet apart; is that right? A. Yes.

Q. After they were fleeted, how far were these two blocks apart, about?

A. You know how far it is from the poop.

Q. What did you do when you fleet the blocks?

A. We hauled it out.

Q. Hauled what out? A. The two blocks.

Q. Which two blocks?

(Testimony of Richard Clarke.)

A. Number three. The three and a half inch.

Q. How far apart were those two blocks when you had finished fleetting this third tackle?

A. Quite a distance.

Q. About how far?

A. I don't know how long was that ship. I can't show you which way she is; I have no idea.

Q. You said the second purchase was next to the main tackle. Wasn't it inside those blocks?

A. Yes. [1376—542]

Q. Was the third purchase inside of the second purchase or not?

A. The first one comes out this way and the second and third.

Q. When the blocks all came together were they far apart?

A. Far apart, about two or three feet away from each other.

Q. When you fleetted the third purchase tackle, did you take the block forward again, the leading block?

A. Lift right up.

Q. After you lifted the block up there, what did you do? What did you do to fleet it?

A. Heave on.

Q. Before you heaved on it didn't you attach it to something?

A. Before that we put a strap you know. We call it a stop.

Q. On what? A. On the hawser.

Q. On which hawser?

A. The main hawser we had in front, and we had some on the tackle too.

(Testimony of Richard Clarke.)

Q. On the first purchase tackle?

A. On the first purchase tackle. After we got it tied to this we tied on, we call it rope yard what we put on those tackles.

Q. Then you took your third tackle block up forward? A. Yes.

Q. What did you do with it—hook it on to something? A. Fastened to that, the main bitt.

Q. The third purchase tackle?

A. We had a sling from the main—

Q. I know, but this third tackle, second purchase tackle, these two blocks, were eighteen feet apart?

A. Yes. [1377—543]

Q. After you. When you fleeted your tackle that time, did your purchase, what did you do with that block and tackle up forward?

A. We hooked on the same place we had it before.

Q. Hooked on to what? A. To the strap.

Q. What was that that you hooked on to?

A. Tackle.

Q. On the second tackle?

A. On the third tackle.

Q. How many tackles did you have there that day?

A. I had three sets.

Q. And you hooked. We're talking about this third tackle. Can't you tell us what you did when you fleeted the third tackle?

Mr. OLSON.—We'll admit it.

A. I remember hooked on that third tackle on the fall of the second tackle.

Q. Then what did you do?

A. Sing out the men, "Go ahead on it."

(Testimony of Richard Clarke.)

Q. Did they go ahead? A. They did.

Q. What was the next thing that happened after that?

A. Well, when my tackle dropped down after than we got through fleeting and I saw all this falls coming down. The tackle—

Q. When the tackle got down—

Mr. OLSON.—Let him get through answering his question.

A. I sing up to Captain Miller, "She's coming off." He said, "Shut up."

Mr. OLSON.—Q. What said?

A. Miller said, "Shut up! Keep your men going." I said. My boys all happy now.

Mr. MAGOON.—Q. What time was that?

A. I can't tell you exactly. Between ten and twelve o'clock. [1378—544]

Q. Now, what did you observe, what was the first thing that you observed with reference to your tackle at that time? What did you see first? What happened to your tackle?

A. Nothing happened after my tackle dropped down and I saw fireworks fired.

Mr. OLSON.—Q. Saw what?

A. Fireworks, red fireworks.

Mr. MAGOON.—Q. After the fireworks what happened?

A. When the fireworks went up I saw we close to that man-of-war, the "Arcona."

Q. What were those fireworks that you saw?

A. After we got outside we asked the boys what it meant. They said—



(Testimony of Richard Clarke.)

Mr. OLSON.—I object to that as hearsay.

Mr. MAGOON.—Q. What kind of fireworks?

A. Red fireworks.

Q. Who sent it up?

A. One of the officers on the other ship, the man-of-war.

Q. Do you know about any signals to be given?

A. No, I haven't heard it.

Q. Now, besides the fireworks, did you know anything about any lanterns, any lights?

A. I didn't keep no lights.

Q. Did you see if there were any lights in the rigging?

A. There was light there in the rigging.

Q. What kind of light?

A. First light white light, afterwards they hoist up the other light, red one.

Q. How many?

A. Only one I see, on the topmast.

Q. Now, after the tackles fell down, what was the next [1379—545] thing that you—and after the lights, fireworks went up, what was the next thing that you saw?

A. When the fireworks went up we unhook our cable because she's off already.

Q. She was free? A. She was free.

Q. Could you give us any idea how close you came to the "Arcona," that German man-of-war?

A. No, but I could see them running behind there hauling in there wire.

Q. Taking it with reference to some object near to from Beretania Street, down Fort Street, can

(Testimony of Richard Clarke.)

you give us how far it would be?

A. I think that's little too far.

Q. Beginning from Beretania.

A. I think from Beretania down to Club Stables.

Q. That you came to the "Arcona"? A. Yes.

Q. From Beretania to Club Stables? Now, did you take—

Mr. OLSON.—At this point I would like to have some admission in the record of what that distance is.

Mr. MAGOON.—We'll have it measured.

The WITNESS.—Little bit more or less.

Mr. MAGOON.—Q. Now, when you get out there, what happened with reference to the "Celtic Chief"? What was done with her?

A. Well, they tow it out.

Q. Who towed it out? A. The "Arcona."

Q. Where was the Miller salvage cable at that time? A. We let it go at that time.

Q. Where were the cables or hawsers from the other ships? A. They was chopped off.

Q. Now, how long a time should you say it was between the first jump and the time when the blocks fell down? [1380—546] About how long?

A. Space between?

Q. Time, yes. How long, how many minutes, how many hours, or how many days, between the time when you felt the first jump and the time when the blocks fell down?

A. I didn't have no time with me to tell exactly the time.

Q. I didn't think you did. I want to get your best judgment.

(Testimony of Richard Clarke.)

A. It's when I felt the first jump, that's between the first jump.

Q. How long after that before the ship came off?

A. The second time is—from the second time I asked around the boys, "What time is it now? It's getting late. I'm hungry." They said, "Heave on, Dick; don't be afraid about your kaukau; we'll get there to-night." When she came out about ten or eleven o'clock I said to the boys, "Now, we get our meal." I was getting hungry. I didn't have nothing to eat. They said "Never mind, Dick, never mind your kaukau; drink water and eat salt?"

Q. You can't give us any idea between the time you felt the first jump and the blocks fell down?

A. I can't say.

Q. Was it a long time or a short time?

A. Maybe one hour.

Q. Maybe one hour?      A. More or less.

Q. Now, during the time that you were pulling on the Miller salvage anchor in this way, state whether or not you observed these boats out there; that is, the "Mikahala," the "Helene," and the other boats. Did you look at those boats ever?

A. Oh, I looked around the side fifteen or twenty minutes, something like that I used to pass on the deck.

Q. Every how many minutes?

A. Fifteen or twenty minutes.

Q. What can you say as to whether or not these boats were [1381—547] pulling, these boats that were standing out there. The "Mikahala," the "Helene," and the other boat?

(Testimony of Richard Clarke.)

A. I can't tell you they are pulling because I can see their line there in the water. I've got no idea they pulling or not.

Q. Could you tell whether their lines were taut or not?

A. When the line get wet with the water you can't tell whether they hauling taut or not, because I saw them hanging in the water and the "Helene" was taking in the slack.

Q. Now, what were they doing as far as you could observe at the time that the "Celtic Chief" made this first jump? Were they pulling or not?

A. Well, a lot of them was talking about waiting high tide.

Mr. OLSON.—Move to strike on the ground it's hearsay.

The COURT.—Granted.

Mr. WARREN.—And not responsive.

Mr. MAGOON.—Q. I'm asking you about these boats, these steamers, at the time that the "Celtic Chief" made this first jump, were those steamers pulling or not, as far as your observation went?

A. Miller told me—

Q. Never mind what Miller said.

Mr. OLSON.—Move to strike.

Mr. MAGOON.—I want to know what you saw about it, whether they were pulling or not?

A. I have no idea.

Q. Did you notice the lines about that time?

A. The lines were hanging in the water.

Q. Did you notice the lines on, that were attached to [1382—548] these boats on the deck of the



(Testimony of Richard Clarke.)

“Celtic Chief”? Could you tell whether or not they were taut by what was being done there?

A. Well, I passed there, I looked around the side. I put some canvas bags along the line and you can easily tell when they pulling; the line always raise out of the water.

Q. Well, were these boats pulling or not, then?

Mr. WARREN.—Object to the question as already asked and answered several times.

The COURT.—Objection overruled.

A. I can't tell because I can't see always. You can tell when they pulling the lines were taut.

Q. All right. Were these lines taut or not, these steamers? A. She was lying on the water.

Q. Were they taut or not, can you say?

A. I pass, look around the side every time. Of course, I don't come and feel the lines, but I see they riding on the water.

Q. What did that convey to your mind?

A. To my mind, I think they ain't taut.

The COURT.—With reference to this paper, I understand it is in evidence?

Mr. MAGOON.—Yes, your Honor, I'd like to have it marked.

The COURT.—It may be admitted in evidence then and marked in the proper way.

Recess.

Mr. MAGOON.—Q. When the “Celtic Chief” made that first jump, where was Captain Miller?

A. He was down the cabin.

Q. How long after that was it before he came to where you [1383—549] were?

(Testimony of Richard Clarke.)

A. Ran up on the poop.

Mr. OLSON.—Q. Who ran up on the poop?

A. I.

Mr. MAGOON.—Q. What did you do up there?

A. I wanted to sing out to him.

Q. To Captain Miller?

A. To Captain Miller.

Q. What did you want to sing out to Captain Miller? A. Because I feel that jump.

Q. Did you tell him about it?

A. I did. He said that he feel it too.

Mr. STANLEY.—Move that be stricken.

Mr. OLSON.—Move that it be stricken on the ground it is hearsay.

The COURT.—I grant the motion.

Mr. MAGOON.—Q. Now, apart from that jump that you say, that you spoke of, did you notice anything, any movement of the "Celtic Chief" before the tackle fell down—outside of that jump? Anything else beside that?

A. Why, she made that jump.

Q. Was there anything else to show she moved? Did you hear anything or see anything or feel anything?

A. I went on my sight, I had a sight from the bitt to the shore, a light, and when I went over and looked, she was little more over; then I went to my tackle to look around so I went on those tackles the way how it was going a little while bumping and I, my main tackle come down, so I sing to the boys, "Put a stop on it."

Mr. OLSON.—Q. Put a what?

(Testimony of Richard Clarke.)

A. Put a stopper and hold it so we fleet our tackle. So we made a stop and we [1384—550] fleet.

Mr. MAGOON.—Q. How many times did you do that before she finally came off? A. Twice.

Q. While you were working on this windlass, could you feel anything with reference to the motion of the “Celtic Chief” as to whether she was fast or coming off the reef?

A. Well, we feel it at the first when we started. It’s fast and keep on working at it and comes to feel it that she was moving.

Q. How could you feel that moving?

A. By the way how that tackles are working.

Q. Anything else? Any other way?

A. In the night-time I take my sights on the shore because in the daytime hardly can get any sights from the shore.

Q. How about the keel of the vessel—was there anything about that that brought to your senses whether or not the ship was moving?

Mr. OLSON.—Object to the question on the ground it is leading.

The COURT.—Motion granted.

Mr. MAGOON.—Q. Do you know anything about a keel of a ship?

A. I haven’t got no idea about the keel of the ship.

Q. Never saw one?

A. Never saw one when she is on the reef.

Q. Without being on the reef, have you ever seen the keel of a ship? A. I seen on the drydock.

Q. What part of the ship is the keel?

A. Bottom part of the ship. [1385—551]

(Testimony of Richard Clarke.)

Q. What part of the ship is the keel?

A. From amidship forward, right on the bottom.

Mr. OLSON.—Q. From the amidship, forward?

A. Forward and aft; yes.

Mr. MAGOON.—Q. How far does the keel extend, do you know?

A. Got no idea to find out where the keel.

Q. Was there any movement by the "Celtic Chief" which would indicate to you whether she was stationary on that reef or coming off, after the first jump that she made?

A. When she made the first jump she was dragging herself.

Q. That's when she made the first jump she was doing what? A. Dragging.

Q. How could you tell she was dragging?

A. By the working of those tackles.

Q. And how could you tell by looking over the tackles that she was dragging?

A. The strain we was taking in through the windlass. Taking inch by inch.

Q. Did you take any sights of the "Celtic Chief" on Monday, as to her location?

A. Monday? I didn't take no sights on Monday because I was busy on discharging her.

Q. Did you take any on Tuesday?

A. Tuesday? No, sir.

Q. When was the first sight that you took to ascertain her position? A. Where I took my sight?

Q. What was the first time you took a sight?

A. Took it on the starboard side of the deck.



(Testimony of Richard Clarke.)

Q. When was the first time? Wednesday or Wednesday night?

A. Wednesday. Wednesday evening. [1386—552]

Q. How did you get up on the poop of the “Celtic Chief” Wednesday after you got your Miller chain or line taut?

A. I was out down everywhere on that ship that night.

Q. How often would you go up on the poop?

A. Fifteen or twenty minutes, looking all around.

Q. What would you go up there for?

A. Looking my hawser.

Q. Now, how long before the “Celtic Chief” came off was the last time that you were on the poop?

A. Between ten and twelve.

Q. You know when the “Celtic Chief” came off the reef, don’t you? You remember that? How many minutes, or how many hours was it before she came off that you were up on the poop the last time?

A. I have no idea about the times because I didn’t have no time with me that day to tell exactly what time.

Q. I didn’t ask you exactly but about how long was it, an hour or half an hour or ten minutes?

A. When she made the first jump?

Q. Or two hours or three hours, that you went on the poop deck before she came off the last time?

A. About an hour.

Q. At that time, did you notice the lines from the “Arcona”?

A. She was laying in the water.

(Testimony of Richard Clarke.)

Q. Could you tell whether or not the Arcona was using her propeller, turning up the water at the stern?

A. Never turned no water till the fireworks.

Mr. STANLEY.—Q. What's that?

A. They never turned no water till the fireworks went up.

Mr. MAGOON.—Q. Could you tell whether or not the "Arcona" was pulling? [1387—553]

A. The search-light gives the note. You could see everything. They had two search-lights up.

Q. At the time that the "Celtic Chief" came off the reef, was the "Arcona" pulling?

A. She wasn't pulling at that present time.

Q. How about the "Mikahala"—was she pulling at the time the "Celtic Chief" came off the reef?

A. Well, I see it hanging on the line, the line was hanging on the water.

Q. Can't you tell whether she was pulling or not? Doesn't that indicate to your mind whether she was?

A. Take the Inter-Island boat; when they pulling you see the line working up and down. When they ain't pulling lay right down.

Q. How about the "Helene," was she pulling at the time the "Celtic Chief" came off?

A. She was taking in freight.

Q. At the time the "Celtic Chief" came off?

A. These boats was passing up and down to her.

Q. My question is was she pulling? I want to find out whether she was pulling at the time the "Celtic Chief" came off the reef?

(Testimony of Richard Clarke.)

A. I've got no idea if she's pulling because she is lightering cargo.

Q. Did you observe the line?

A. I see the line.

Q. What was the condition of the line?

A. Laying in the water.

Q. Was there any other vessels pulling, any other vessels in that location at the time the "Celtic Chief" came off? A. No other vessels. [1388—554]

Q. Only the "Mikahala" and the "Helene"?

A. "Helene" and the "Arcona." Only three boats was there.

Q. Where was the "Likelike," then, at the time that the "Celtic Chief" came off?

A. She wasn't there.

Q. Now, I want to ask you a little more in detail about the effort which you made to get a line on board the "Celtic Chief," on Tuesday evening. What did you say with reference to that matter?

A. Well, we tried to get a boat from the "Mokoli." We couldn't get a boat.

Q. Why not?

A. Well, they wouldn't give us a boat.

Q. Who wouldn't give you?

A. Scotty. He was going to take our line; couldn't get it.

Q. Why not? A. Because she can't get near.

Q. Why can't she come near?

A. Might the weather wasn't suit her.

Mr. OLSON.—I move to strike the last answer on the ground it is irresponsive and also that it is incompetent, irrelevant, and immaterial, and, further-

(Testimony of Richard Clarke.)

more, on the ground it is merely a surmise of the witness.

Mr. MAGOON.—Have no objection.

The COURT.—May be stricken.

Mr. MAGOON.—Q. Where were you when this line was sent out to be put on board the "Celtic Chief" on Tuesday evening?

A. We didn't pass no line Tuesday evening.

Q. What did you do with that line?

A. We threw a heave line, couldn't get it.

Q. From where did you throw the heave line?

A. From the "Makee" to the "Mokolii."

Q. From the "Makee" to the "Mokolii"? [1389—555] A. Yes, sir.

Q. Oh; and what became of that line that you threw that way? A. So she—

Q. What became of the line?

A. We threw it. We held one end.

Q. What became of that end that you threw?

A. They missed it, went in the water. We hauled back that heave line.

Q. Then what did you do?

A. So we stayed till next morning. We anchored out there with our small anchor.

Q. You said that you took sights on Wednesday evening. About how often did you take those sights? A. Twenty or thirty-five minutes.

Q. And what did you observe in taking those sights with reference to the position of the "Celtic Chief"?

A. So I could tell if she is moving or not.

Q. And did she move? A. She did move.



(Testimony of Richard Clarke.)

Q. How often did you observe that she was moving by the sights that you were taking?

A. Well, while I'm fore and aft on the ship. Sing out to the windlass boys, "How things coming?" "Pretty good now, Dick," so I go aft on the poop, look down that hawser and pretty good holding on, then came back, saw my sights was moving, saw the ship little by little.

Q. See the ship little by little what?

A. Going out.

The COURT.—Did you go out in the "James Makee" or the "Mokolii" Tuesday?

A. I went out on the "James Makee."

Mr. MAGOON.—Q. This that you have given of the men working, those [1390—556] men were all laborers, were they, or does this include Captain Wiesbarth and yourself? A. Yes.

Q. And Tom Mason?

A. Yes, sir. I was giving them the order.

Q. This book that you have given us, does that contain all the men who worked, including yourself and Captain Wiesbarth?

A. No, except Captain Wiesbarth.

Q. Yourself? A. Myself, Tom Mason.

Q. Does it include yourself? A. Myself.

Q. Were you a two-dollar man?

A. I gave him the whole total, the number of men.

Q. You gave what?

A. I figure little while ago and give him the whole total.

Q. And yourself? A. Myself.

Q. Captain Wiesbarth?

(Testimony of Richard Clarke.)

A. Except Captain Wiesbarth,

Q. How about Tom Mason? A. Tom Mason.

Q. How much were you getting, Mr. Clarke?

A. Four dollars a day.

Q. How much for overtime?

A. Dollar an hour.

Q. In testifying from this book you gave us the time of the men.

A. Only the men's time, except my time. The laborers' time I give them.

Q. Now, I'd like to get your own time and Mr. Mason's time and Captain Wiesbarth's time.

A. I don't know Wiesbarth's time. I don't know what they pay to Mason, but I have his time down.

The COURT.—Q. Did you give Mr. Mason's time this morning? A. Yes, sir.

Mr. MAGOON.— [1391—557] Q. Can you tell us how many days and how many hours overtime Mr. Mason worked himself? Was Mr. Mason a two-dollar a day man?

A. Well, I had him two dollars a day; I don't know what they paid him. That's outside.

Q. Withdraw it, then. Have you given us Captain Wiesbarth's time?

A. No, I haven't got his time.

Q. Now, about your own time. Did you give your own time this morning?

A. Yes, sir, I turned in my time.

Q. This morning, you gave that this morning.

A. Yes.

Q. How many days did you work?

A. I worked four days.

(Testimony of Richard Clarke.)

Q. At \$4.00 a day? A. \$4.00 a day.

Q. How much overtime, if any?

A. I think I got thirty-two hours overtime. I'll let you know.

Q. Just look it up.

A. Twenty-one hours overtime.

Q. At a dollar an hour? A. Dollar an hour.

Mr. OLSON.—Q. Four days and twenty-one hours overtime, yourself.

A. Four days and a half on Friday.

Q. Friday? A. I was working for Miller.

Q. And the time you spent here on the "Celtic Chief"? A. Four days.

Mr. STANLEY.—Q. No overtime?

A. Twenty-six hours' overtime.

Mr. WEAVER.—Q. Twenty-six or twenty-one?  
[1392—558]

A. Eleven, five, and ten, twenty-six.

Mr. MAGOON.—Q. There was one more day that you spoke of that you worked discharging cargo or some other work. A. On Friday?

Q. Yes. A. Returning all his gear.

Q. That you had used in connection with the "Celtic Chief"? A. Yes.

Q. The same gear you had been using on the "Celtic Chief"? A. Yes.

Mr. MAGOON.—That's all.

Cross-examination on Behalf of Libellee.

Mr. OLSON.—You once in a while would come along and take a look at the Miller anchor-line, wouldn't you? A. Yes.

Q. How did that anchor-line lie with reference to

(Testimony of Richard Clarke.)

the water? Did it hang down in a bight, heavy, or was it absolutely straight? A. Straight.

Q. Absolutely straight right down to the anchor?

A. Right down to the anchor.

Q. Now, how far from the stern of the "Celtic Chief" would you say where the anchor-line touched the water?

A. Thirty feet, because the line was right in the water.

Q. Do you know how deep the water was around there? A. No, sir.

Q. Fifteen or twenty?

A. Little more than that.

Q. Twenty-five feet?

A. Not twenty-five; eighteen or twenty.

Q. And how far was the "Celtic Chief" out of the water at the stern, do you think, up to the top of the poop deck? [1393—559]

A. About twenty-two feet.

Q. And the line of the Miller anchor went right over the poop deck?

A. Right over the poop deck.

Q. So at the point where it went over the side of the vessel, over the stern, would be twenty-two feet. And it was thirty feet from there where it went in the water? A. Yes.

Q. If the water was about twenty feet deep around there, that would mean that the anchor would be sixty or seventy feet beyond where the line came on the "Celtic Chief"? A. The anchor was further out.

Q. Then how could it be only thirty feet from the stern of the "Celtic Chief"?



(Testimony of Richard Clarke.)

A. Because it was a long, straight pull.

Q. It was a heavy line and hung in a curve?

A. It wasn't curved. Taut from the stern of the ship.

Q. But there would be a curve from there on?

A. Maybe down the—

Q. It probably would not be straight down to the stern of the ship?

Mr. MAGOON.—I object to this.

The COURT.—The form of the question is, I think, objectionable.

Mr. OLSON.—I withdraw my question and adopt the Court's suggestion. Now, Mr. Clarke—

A. Yes, sir.

Q. From your general knowledge— A. Yes.

Q. And from the experience that you have testified to on your direct examination, would you say that that eight-inch wire line that hung, eight-inch wire line that the Miller Salvage Company was using was absolutely straight [1394—560] from the stern of the "Celtic Chief" right down to the anchor, or would you say that it was lying in a curve?

Mr. WEAVER.—I object to that question on the ground it assumes a fact not in evidence.

Mr. OLSON.—I'll supplement my question by saying an eight-inch straight wire, I mean an eight-inch straight wire that is eight inches around, in circumference. Do you think, judging from your experience that you've testified to on direct examination, do you think, Mr. Clarke, that a wire line or cable, steel and eight inches in circumference, leading from the stern of the "Celtic Chief" to the

(Testimony of Richard Clarke.)

anchor of the Miller Salvage Company, where it was laid, would, if having applied to it the power that you have testified to, nevertheless be straight or would it, in your opinion, maintain a curve?

Mr. WEAVER.—We object to that question for the same reason.

The COURT.—Objection overruled. Answer the question.

Mr. WEAVER.—Note an exception.

The COURT.—An exception is allowed.

A. What I saw is taut, out of the water.

Q. I'll ask you what you think is possible under those circumstances. Would it be possible for such a line with the power exerted that you have testified to, would it be possible for that wire to be absolutely taut from the anchor to the "Celtic Chief" and in a straight line?

A. I remember her staying out of the water.

Q. I'm asking you whether or not, in your opinion, a line of that kind could be pulled to an absolutely straight line from the anchor to the "Celtic Chief." Do you think that's possible?

A. The wire always will go down on the land.  
[1395—561]

Q. On the bottom of the ocean?

A. On the bottom of the ocean; you take any wire.

Q. And so it was with this Miller wire? And about thirty feet from the "Celtic Chief" this line went down to the water? A. To the water.

Q. And must have gone down to the bottom. In other words, this wire was not in a straight line?

A. She was right straight there.

(Testimony of Richard Clarke.)

Q. But this line went to the bottom of the ocean, then followed the bottom over to the anchor. It was such a heavy line? A. Yes, it was a heavy line.

Q. So that it went down from the stern of the "Celtic Chief" down to the bottom of the water then followed along the bottom to the anchor?

A. Over to the anchor.

Q. That's the way it was according to your opinion and observation, that's correct? A. Correct.

Q. And that was so during the time you were heaving in on that line? A. I was heaving all the time.

Q. As far as you observed the line didn't go into the water about thirty feet from the stern?

A. Thirty.

Q. And you went upon poop deck and looked at that line? A. Yes.

Q. And that's the way it was?

A. Works up and down.

Q. Once in a while it would vary somewhat and go up and down? A. Up and down.

Q. Sometimes it would be nearer to the stern and sometimes it would be further off?

A. When she raised she raised more than that.

Q. And sometimes come nearer than that? [1396—562]

A. That's the nearest I could tell, thirty feet.

Q. Sometimes more than that? A. Maybe.

Q. You mean sometimes one way and sometimes the other? A. Going out and in.

Q. It wouldn't be absolutely a still, quiet, and unchanged wire, but it would be varying back and forth?



(Testimony of Richard Clarke.)

A. It wouldn't fall down.

Q. But sometimes it would come up farther and sometimes go down farther?

A. She working up and down like that and our wire is taut down.

Q. Sometimes the wire would come out of the water more and sometimes less?

A. No less than thirty feet.

Q. Sometimes it would be more than thirty feet and then it would come back again to about thirty feet. A. Yes.

Q. Now, did you notice that the "Celtic Chief" was moving any at all—that is, coming up and down with the swell of the water?

A. She was moving while we was heaving at it.

Q. But wasn't there some swell there—sea?

A. There was little bit swell coming in.

Q. Wouldn't that tend to raise the stern of the "Celtic Chief" somewhat? Wouldn't she bump up and down once in a while with the sea?

A. When we was out there she wasn't bumping.

Q. She didn't bump at all on Wednesday—she was lying perfectly quiet? A. No.

Q. You were on board of her all day on Wednesday? A. Yes.

Q. You didn't notice any bumping at all? [1397—563]

A. When we got the gear all rigged up and we started to work it we commenced to move around.

Q. But did the "Celtic Chief" pound and bump during Wednesday? A. In the evening, yes, sir.



(Testimony of Richard Clarke.)

Q. That was when she began to come?

A. When she began to come off.

Q. Was there any swell such that would raise her up and bring her down with a bump?

A. I've got no idea about that.

Q. You didn't feel any bumping of her, up and down, Wednesday afternoon?

A. Didn't take no notice about it.

Q. You didn't feel nor observe any?

A. I only felt the time we got her off.

Q. There was no bumping so far as you know?

Mr. MAGOON.—I object on the ground it has been asked and answered.

Mr. OLSON.—Q. You didn't feel or observe any bumping?

A. Wednesday afternoon? I says I haven't got any idea about it.

Q. Can't you answer yes or no? Did you feel or observe any pulling or bumping Wednesday, on the bottom, Wednesday afternoon? Don't you know?

A. I forget.

Q. Why did you take so long?

A. I forgot. It's two years now. It's pretty hard to bring it back.

Q. You don't now remember whether or not she was bumping?

Mr. MAGOON.—I object to it.

The COURT.—Objection overruled.

A. No notice of it. [1398—564]

Mr. OLSON.—Q. The weather on Wednesday was pretty much the same, was it, as it was on Tuesday and Monday?

(Testimony of Richard Clarke.)

A. I think on Monday it's regular swell.

Q. More swell on Monday than it was on Wednesday? A. Yes.

Q. But wasn't it windier on Tuesday, Wednesday, than it was Monday? A. Swell at long time.

Q. And that was so all day Tuesday. Wasn't it a fair, fine, smooth day on Tuesday?

A. Tuesday I was not there; unloading my ship.

Q. But you went out there Tuesday evening?

A. I went out there in the evening.

Q. And wasn't it fine and fair and smooth all that day?

A. More wind; we can't get our line on the "Mokolii."

Q. Where was the wind from?

A. What you call a southerly wind.

Q. Was it stormy? A. Not stormy.

Q. It was a fair evening. A. Pretty fair.

Q. There wasn't any swell that was rough?

A. Little swell.

Q. Not much?

A. Five or ten minutes the swell come in.

Q. Coming only every five or ten minutes that swell wouldn't be over a couple of feet high, would it?

A. I think the swell was six feet high when it comes.

Q. Then it must have been breaking very heavy.

A. The break is right in front of us.

Q. It would break right in front of the "Celtic Chief"? A. Yes, where the breakwater is. [1399

—565]

Q. You think this was a six-foot swell?

(Testimony of Richard Clarke.)

A. With a big belly.

Q. And somewhere around six feet and yet there was no storm?

Mr. MAGOON.—I object to it; he said there was no storm.

The COURT.—Objection overruled.

A. There was no storm.

Mr. OLSON.—Q. There hadn't been any storm on Monday?

A. Monday there was a little wind blowing.

Q. What you would call a storm?

A. A storm is when there is a sea falling on the mast.

Q. Was there a heavy sea running at any time on Monday, Tuesday, or Wednesday? A. Heavy sea.

Q. The waves would run twenty or thirty feet high? A. Not so high as that.

Q. How high? A. Somewhere around eight or ten feet.

Q. Would they break up on the deck on Monday?

A. Not on deck.

Q. The Miller Salvage Company had the "Concord" and the "Kaimiola" and the "Makee" out there taking cargo out of the "Celtic Chief"?

A. Yes. We had to put a fender on the side, big bale of hay.

Q. But they were, nevertheless, able to take in the cargo. A. We had some kind of lines.

Q. They were there taking off cargo? A. Yes.

Q. And they were able to do it?

A. They was doing it.

Q. And all that they did was to break away a line

(Testimony of Richard Clarke.)

or two? [1400—566] A. Broke a line or two.

Q. One or two?

A. The "Kaimiloa" broke one line and "Makee" one, two lines.

Q. Two lines? A. Three lines.

Q. Those were lines that had been used?

A. We had new lines.

Q. One of those that broke? A. No.

Q. The new rope didn't break?

A. Afterward carried away.

Q. Which one?

A. One of the lines of the "Celtic Chief."

Q. A new one. A. Pretty new one.

Q. It had been used before?

A. I don't know. It was lying on the deck.

Q. Why did you say it was new?

A. It looks new.

Q. And it carried away one of the bitts of the "Kaimiloa"? A. Yes, wood bitt.

Q. And that's all? A. That's all I noticed.

Q. Was that an iron or wooden bitt?

A. "Kaimiloa"?

Q. Yes.

A. I think it's an iron, not a wooden bitt.

Q. Which one carried away?

A. Well, I didn't notice about those.

Q. The "Kaimiloa" is an old boat?

A. Well, she's pretty old boat.

Q. And the timber right there where the bitt was torn away was pretty old and rotten?

A. I didn't test this bitt.

Q. You looked at it? A. I saw them.



(Testimony of Richard Clarke.)

Q. It looked pretty rotten? A. I never seen it.

Q. You didn't look at all?

A. I just passing on the side.

Q. Didn't show the fact that it was pretty old and rotten [1401—567] where the bitt was torn away?

A. Maybe that's a new bitt put in there for all I know.

Q. You don't know at all?

A. I don't know nothing about that.

Q. I think you've testified on direct examination, Mr. Clarke, that you were engaged for several days with Captain Medcalfe in the salvage of the "Manchuria," off on the other side of the island; is that so?

A. Yes.

Q. How long were you working?

A. I worked there ten days.

Q. Were you there when she came off?

A. I left there.

Q. Why did you testify there were no vessels pulling on her? A. I was there until that morning.

Q. You were asked to say whether there were any vessels pulling on her at the time when she came off; why did you say there were no vessels pulling on her?

A. Well, I asked the mate.

Q. It was because you asked someone?

A. Because when I came back to work my contract I had left her on Sunday morning.

Q. The vessel came off Sunday?

A. Came off Sunday.

Q. About one o'clock?

A. I don't know what time because I was up here.

Q. It was after daylight on Sunday?

(Testimony of Richard Clarke.)

A. Was daylight.

Q. And you weren't out there at all when she came off?     A. No.

Q. So you don't know what was done.

A. When she came off I came over and I asked the mate.

Q. You don't know of your own knowledge what brought her off?     A. The anchor.

Q. How do you know?

A. Because I heard it. [1402—568]

Q. How do you know what brought it off?

A. Because we heaved it tight that night.

Q. There might have been some other anchors laid there?

A. There was no other anchors only this anchor.

Q. How do you know?

A. Because I went out there and inspected all those places.

Q. When?     A. Two or three times.

Q. How do you know that there weren't several to the vessels pulling on her?     A. I asked the mate.

Q. Do you know of your own knowledge? Do you yourself know whether or not there were any other vessels pulling there?

A. There was no other vessel pulling.

Q. How do you know when you weren't there?

A. Because I was there Saturday and I left there.

Q. Do you know what vessels came there?

A. There were no vessels. I asked the captain and mate.

Q. You don't know of your own knowledge?

A. I don't know.

(Testimony of Richard Clarke.)

Mr. WARREN.—I think perhaps it is proper, at this time, to have to strike from the record the testimony of the witness as to what tendency that pulling on the “Manchuria” had.

Mr. OLSON.—I join in that motion.

Mr. WARREN.—I will renew my motion to strike from the record all of the testimony of this witness given in this case as to what forces were in operation at the time the “Manchuria” was pulled off the reef on Sunday.

The COURT.—Have you any objection to that, Mr. Magoon?

Mr. MAGOON.—Yes, because it strikes out—

The COURT.—The motion is granted.

Mr. OLSON.—Now, Mr. Clarke, when you left the scene of the “Manchuria’s” stranding on the other side of the island on Saturday, the day before she came off, isn’t it the fact that the “Restorer,” cable-ship “Restorer,” a large vessel, had a line attached to the “Manchuria”?

A. They were ordered to stand by. [1403—569]

Q. Didn’t she have a line on her?

A. She had a line on her.

Q. Do you know whether or not she was exerting any strain? A. I haven’t got no idea.

Q. So that when you say that there were no vessels at all you don’t mean to say the “Restorer” wasn’t pulling?

A. She wasn’t pulling when we taut up all the anchor, taut that anchor and came to Honolulu.

Q. She had a line attached?

(Testimony of Richard Clarke.)

A. She had a line since the time they were out there.

Q. Was the "Manning" out there? What's that?

A. I think she was there twenty days.

Q. Wasn't the "Manning" out there?

A. No, she wasn't there.

Q. Wasn't she there any of the time?

A. She was there a couple of days before.

Q. Do you know how Captain Medcalfe exerted a strain upon the cable which *which* the anchors were connected with the "Manchuria"?

A. I got no idea about it.

Q. They had a capstan on board the "Manchuria" and had fifty or sixty men pulling?

A. They had a capstan and winch.

Q. Isn't it a fact that that didn't have any effect at all, but that they only had a steam winch and that's the only means they used? A. Forward winch.

Q. Isn't that the only power that they exerted upon that anchor cable? A. A steam winch.

Q. That's what they used entirely?

A. Steam winch.

Q. They didn't use any deck capstan or windlass?

A. I haven't seen any.

Q. They had a donkey-engine there?

A. Donkey. [1404—570]

Q. On the "Celtic Chief" you didn't use a donkey-engine, but only the capstan and windlass?

A. Windlass.

Q. That was operated by man power? A. Yes.

Q. Now, you said that there was a German cruiser, and you thought that German cruiser was the "Ar-



(Testimony of Richard Clarke.)

cona" that had a line on the "Celtic Chief"?

A. Yes.

Q. Why do you say it was the "Arcona"? Why do you say it was a German cruiser, not the "Arcona"? A. They look like.

Q. Isn't it the fact, Mr. Clarke, that it was a British boat and not a man-of-war? Isn't that the fact?

A. No, it was a man-of-war.

Q. Why do you say it was a man-of-war?

A. I told you I don't know which boat it is, German or American.

Q. You don't know. A. No.

Q. Did you say anything on direct testimony about it's being an American boat?

A. I said it's a German; that's what I said.

Q. Now, you say you don't know whether it was German or not. A. I seen a cruiser.

Q. It might be a French cruiser?

A. It might be French.

Q. The fellows told you it was German?

A. They said it was a cruiser.

Q. Did they say German? A. I don't know.

Q. Why did you say, in answer to Mr. Magoon, that it was German? A. I repeat that.

Q. Why didn't you, in response to Mr. Magoon's question, say that the fellows told you it was a German cruiser? A. No, sir.

Mr. MAGOON.—He never said a word about the fellows saying it was a German cruiser. [1405—571]

Mr. OLSON.—I'll withdraw my question. Why

(Testimony of Richard Clarke.)

did you say at all that she was a German cruiser.

Mr. MAGOON.—I object, it has been answered.

The COURT.—Overruled.

Q. Why did you say at all that she was a German cruiser?

A. Well, they are all alike and I didn't take notice.

Q. She might have been an American?

A. She might have been an American or German. They all got lead color.

Q. Why did you say that you thought she was not the "Arcona"?

A. Well, the "Arcona" was little larger than her.

Q. But it was not the "Arcona"?

A. I call it German boat.

Q. She was not the "Arcona" then? Can't you answer? A. I think it wasn't the "Arcona."

Q. Why did you say on direct testimony that it was the "Arcona"? A. What's that.

Q. Why did you say on direct testimony that it was the "Arcona" when you now say that it wasn't the "Arcona"? A. I spoke of that two times.

Q. In other words, you didn't mean to say it was?

A. It was a man-of-war. I don't know it was a German or a French one.

Q. Or some other kind of cruiser?

A. That's a cruiser.

Q. Then the *the* time the "Logan" came off?

A. The "Logan" didn't come off until they had put the anchor out on the stern.

Q. You testified this morning, Mr. Clarke, from your book there showing the time, wages paid to these men. Now, what men were those that you paid off in that way.

(Testimony of Richard Clarke.)

Mr. MAGOON.—He didn't say he paid them off.

A. Paid off the labor? [1406—572]

Q. You were present while they were paid off?

A. Yes.

Q. What men were they?

A. All these men except Wiesbarth.

Q. All of the men that the Miller Salvage had out there? They were all the working men on board the "Celtic Chief" that Miller had out there except Weisbarth? A. Weisbarth and three Japs.

Q. Were they out aboard there on the "Celtic Chief"—is that right? A. That was all.

Q. Did Tom Mason have some of these men under his charge? Was he the boss of some of them?

A. I supplied some men for them.

Q. Now, did you supply him when you were hired on Monday? A. He was hired by Miller.

Q. When? A. Hired on Monday.

Q. When were you hired?

A. When I saw them down there I keep down there.

Q. Then you were hired after that?

A. He was on board the "Celtic Chief" with the rest of the men so I gave him some men.

Q. You brought out how many men with you originally? A. Somewhere around sixty men.

Q. And you gave him part of yours so that the two of you had thirty men a piece?

A. I had little more.

Q. About thirty-five? A. Some more.

Q. You divided them so you were the boss of part and he was the boss of part? A. He was boss.

(Testimony of Richard Clarke.)

Q. You were already out there?

A. I went out there first.

Q. And he came afterwards?

A. He came afterwards.

Q. And he was put in charge of about thirty of your men and you remained in charge of about thirty-five? A. Yes. [1407—573]

Q. Now, Mr. Clarke, did these men work in shifts?

A. Sir?

Q. Did they work in shifts, these men?

A. On the ship?

Q. In shifts? A. Shifts?

Q. Yes, some of the men working part of the time?

A. We worked all day that day, worked all night.

We came ashore and we picked up some more.

Q. But this testimony that you gave at the time shows how much these men worked, shows how much they did and how much everybody did each day?

A. How much everybody did.

Q. Part of these men worked under you and Tom Mason—that's right? A. That's right.

Q. Now, on Monday you testified that there were thirty-one men working who worked three-quarters of a day? A. Three-quarters of a day.

Q. They came out rather late on Monday morning; isn't that right?

Mr. WARREN.—Let the record show that the witness refers to a book.

A. *Forty-ve* men, three-quarters of a day.

Q. How many men were there on Tuesday? How many men were there working on Wednesday?

A. Well, I got the book there. (Indicating book



(Testimony of Richard Clarke.)  
in Judge Stanley's hand.)

Q. You mean that this morning you made a mistake when you said thirty-one?

A. I said thirty-one, eleven hours' overtime.

Q. There were twenty-five men, eleven hours' overtime. You made a mistake this morning?

A. I think in counting. I was in a hurry counting up and down up and down three or four pages. You fellows in a hurry.

Q. That's true of some of the rest of your testimony?

Mr. MAGOON.—I object. [1408—574]

A. What is that?

Mr. MAGOON.—Wait a moment. I object—

The COURT.—Objection overruled.

Mr. OLSON.—Answer the question. Is that true of some of the rest of your testimony also, that you were in too much of a hurry?

A. I was in a hurry this morning in taking up the testimony.

Q. How about the rest of your testimony in other respects? Take the "Arcona." A. I was—

Q. I'll put the question in this way. You say that you were too much hurried when you testified from the book?

A. I was in a hurry that time. You asked me how many men I had.

Q. Now, I ask you, Mr. Mason, Mr. Clarke, were you also a little bit hurried when you were testifying about some of the other things, like the "Arcona"?

A. No, sir.

Q. What you said there you considered very well

(Testimony of Richard Clarke.)

and knew exactly what you were saying. Now, where were you on Tuesday? A. Tuesday?

Q. Tuesday? A. I was ashore discharging.

Q. What time did you go ashore from the "Celtic Chief" that morning?

A. When we left that night we went in.

Q. Monday night?

A. Monday night? Morning.

Q. Morning, somewhere four or five o'clock.

Q. Between Monday and Tuesday?

A. Between Monday and Tuesday.

Q. When did you go back to the "Celtic Chief" again? A. In the afternoon.

Q. About five or six? A. About five or six.

Q. When you came out with the "Makee"?

A. Yes. [1409—575]

Q. You hadn't been out there at all on Tuesday?

A. No.

Q. What were you doing on Monday?

A. Discharging cargo. Helping the Miller Salvage Co. to discharge freight from the "Celtic Chief" into the Miller boats like the "Concord."

Q. Kaimiloa" and "Makee"?

A. "Kaimiloa" and "Makee."

Q. I think you said on direct testimony that you were out there when the "Mauna Kea" gave that jump forward and broke her lines.

A. That's Wednesday morning.

Q. And you saw that, did you? Did she have her line slack and then she went forward suddenly full speed and broke her line? A. Give a jump.

Q. Was she trying to jerk the "Celtic Chief" off?

(Testimony of Richard Clarke.)

A. Yes.

Q. About what time of day was that?

A. In the morning.

Q. Ten or eleven o'clock?

A. Very earlier than that.

Q. Nine or ten o'clock?

A. Somewhere like that.

Q. Was that about the time that you were beginning to get the tackle rigged up?

A. I was taking in the slack of those tackle, rigging everything.

Q. Had the tackle been pretty well fixed up on the "Celtic Chief" before that time?

A. Before she made that jerk?

Q. Yes. A. No, I haven't got no idea about it.

Q. It was about the time you were rigging it up?

A. About the time I was rigging it up.

Q. You were on the "Celtic Chief"? A. Yes.

Q. Did you notice where or not the line when it broke flew back to the "Celtic Chief"? Did the end of the "Arcona's" line swing back on the "Celtic Chief"?

A. Swung on the side. [1410—576]

Q. Didn't come on deck?

A. It swung like this. I sing out, "Look out for her, boys."

Q. Do you know how large a line that was?

A. No, sir.

Q. Was it a manilla hawser?

A. I haven't got no idea about that.

Q. Was it a steel hawser? A. It's rope.

Q. You don't know whether it was steel or man-

(Testimony of Richard Clarke.)

illa? A. It's rope.

Q. Do you know whether there were some men on board of the "Celtic Chief" rigging the tackle in shape? A. What tackle?

Q. The Miller Salvage Co.'s tackle, anchor tackle.

A. I had men working.

Q. They were working on that when the "Mauna Kea" gave the jerk?

A. When the "Mauna Kea" gave the jerk.

Q. Was Tom Mason there helping? A. Yes.

Q. Do you know whether or not the "Arcona" had came out when the "Mauna Kea" gave this jerk?

A. I wasn't sure they hadn't come that time.

Q. It was the same day that the "Arcona" came out? A. Yes, sir.

Q. Was there some slack in the water before the "Mauna Kea" started to go ahead, gave this jerk, or did she back up and got ahead?

A. Only what I saw the boys says, "She is going to make a jerk."

Q. Did the line come out of the water?

A. Come out of the water and carried away.

Q. The Miller Salvage Co. wasn't doing any discharging of cargo that morning, was it?

A. Not that morning.

Q. They were all through with what they had to do in the way of discharging cargo? [1411—577]

A. Because the Inter-Island was blocking the way.

Q. They couldn't get in there?

A. Can't get in there.

Q. Now, Mr. Clarke, don't you know it's the fact that the "Mauna Kea" wasn't there at all that morn-



(Testimony of Richard Clarke.)

ing? A. She was out there.

Q. Don't you know that the "Mauna Kea" left on Tuesday morning to go on her regular Inter-Island trip? A. Well, she was there in the morning.

Q. Wednesday morning?

A. Either Wednesday morning or Tuesday morning. I know she was out there that morning.

Q. But you weren't out there at all on Tuesday morning after four or five o'clock in the morning?

A. We left there about four or five o'clock.

Q. So that if the "Mauna Kea" broke her line Tuesday morning between seven and eight o'clock you were not out there?

A. Tuesday morning I wasn't out there.

Q. Then it must have been the Wednesday morning that you saw the "Mauna Kea" break her line?

A. Would be Wednesday.

Q. Do you know it was Wednesday?

A. When I go out there I saw those lines were lying on the side and the bitt was broken and I asked the fellows how they done it.

Q. Didn't you say you saw the line fall back to the port side? A. When the rope broke.

Q. You saw that? A. Yes.

Q. You saw the "Mauna Kea" give this jerk?

A. Yes.

Q. And you were rigging tackle.

A. Tom Mason was the one.

Q. You were there? A. I was on the poop.

Q. And that was Wednesday?

A. That was Wednesday.

Q. Don't you know it's the fact that the "Mauna

(Testimony of Richard Clarke.)

Kea" wasn't out [1412—578] there Wednesday morning? A. She was out there.

Q. She was?

A. She was out there and carried away her line.

Q. If it was a fact that she left on Tuesday morning and went on her regular trip would you still say that she was there while you were rigging your tackles.

A. I was looking my work when I heard it pop.

Q. You saw it, didn't you?

A. I heard a noise—pop.

Q. And you saw it?

A. When I heard that noise I looked around.

Q. And you saw the line going?

A. The line is gone.

Q. You saw the broken end of the line?

A. You see the line falling on the port side.

Q. And you know that that was on Wednesday?

A. Because I went on board on Wednesday and I saw the bitt was all broken.

Q. It was the time that you were rigging the tackle for the Hackfeld's anchor?

A. The tackle was rigged by Mason and Weisbarth.

Q. And then it was that all this happened?

A. Yes.

Q. And if the other witnesses in this case say that the "Mauna Kea" broke her line before ten o'clock on Tuesday morning and that she left Honolulu and went off on her regular trip on Tuesday morning, before Wednesday, then your testimony is not right and this is correct?

A. When I got out there I saw the line was on one side.

(Testimony of Richard Clarke.)

Q. Can't you answer my question?

A. Ain't I answering your question?

Q. I'm asking if other witnesses in this case testified that the "Mauna Kea" left Honolulu on Tuesday morning on her regular Inter-Island trip going over to Maui and Hilo, then they are not telling the truth?  
[1413—579]

A. I don't know. They might be telling the truth.

Q. Then how could she be at the "Celtic Chief" when you fixed your tackle?

A. I was on board the "Celtic Chief" while the other two men were fixing it because I had to straight that hawser.

Q. And that's when the "Mauna Kea" broke her line?  
A. I could hear talking about.

Q. So you didn't see the line broken?

A. I heard.

Q. Did you hear the line break?

A. I heard pop.

Q. Did you see the "Mauna Kea" going before a broken line came over on the port side?

A. They flew—

Q. Did you see that? Did you see the line of the "Mauna Kea" after it was broken and went on the port side?  
A. I didn't look sharp on the line.

Q. You didn't see it at all?

A. I heard the noise.

Q. Did you see it? A. I didn't see it.

Q. So you don't know? A. I heard it crack.

Q. Do you know whether or not the "Mauna Kea" broke her line?

A. Everybody sing out, "The rope is gone."

(Testimony of Richard Clarke.)

Q. Do you know of your own knowledge from what you saw, whether or not the "Mauna Kea" broke her line? Did you see the "Mauna Kea" or do you know whether or not the "Mauna Kea" broke her line of your own knowledge from what you saw or observed? Why do you take so long to answer my question. Can't you answer it?

A. When any boat moving, jerking, it bound to pull away.

Q. I'm asking you whether or not you know, yourself, that the "Mauna Kea" gave this jerk and broke her line? A. I didn't take notice to watch her.

Q. You don't know anything about it, as a matter of fact? [1414—580]

A. I don't know nothing about it because I was taking care of my line.

Q. Why did you say on direct testimony that the "Mauna Kea" did then?

A. I knew it was pulling out there on the morning.

Q. You do know that?

A. That was on Monday.

Q. When were you rigging up this anchor tackle?

A. Monday I was discharging, Tuesday I was ashore, Wednesday I went up on board.

Q. And it was Wednesday morning that the "Mauna Kea" parted her line?

A. What I understand.

Q. Do you know?

A. I didn't pay no attention to these Inter-Island boats.

Q. So you don't know whether or not the "Mauna Kea" parted her line?



(Testimony of Richard Clarke.)

A. I heard those fellow talk.

Q. You don't know of your own knowledge?

A. I see a piece of line laying on deck.

Mr. WARREN.—I move to strike the testimony of the witness with respect to the "Mauna Kea" and her line.

Mr. WARREN.—I withdraw my motion.

Q. Now then, Mr. Clarke, you said, I think on direct testimony, Mr. Clarke, that if a steamer pulls ahead full speed, she's bound to break her line?

A. Yes.

Q. You mean to say that no line is strong enough to keep from breaking?

A. Unless she have a solid line.

Q. Didn't these steamers have good, solid lines?

A. Whenever you take and jerk on a line they bound to give way.

Q. So it wasn't a good strong line?

A. The line must be used otherwise wouldn't carry away.

Q. Then you think that the "Arcona" couldn't have been pull very hard because the line wasn't hurt.

[1415—581] A. His line parted.

Q. I mean after she put both her lines aboard.

A. They was pulling waiting for the high tide.

Q. Did the "Mikahala" pull at all?

A. They was hanging on to it.

Q. Didn't you say that the "Mikahala" was pulling full speed? A. No, sir.

Q. Didn't you say that the "Mikahala" was pulling full speed a part of the time? A. No, sir.

Q. Didn't you say that she was pulling at full

(Testimony of Richard Clarke.)

speed at one time and they went on down to slow speed? Didn't you say that?

A. Just lightened up.

Q. They were pulling full speed?

A. In the morning.

Q. Why didn't they break the line.

A. They ain't break anything.

Q. Then you don't mean that a line will break every time? A. An old line carry away.

Q. Now, Tuesday night, when you came out there with the Miller Salvage Co. anchor, where did you drop that anchor? A. The main anchor?

Q. The big anchor?

A. We didn't drop that night.

Q. You kept it aboard the "Makee" all night?

A. Yes.

Q. You dropped the "Makee's" own anchor?

A. Small anchor.

Q. Now, why didn't you drop that anchor in the right place Tuesday night?

A. Can't get aboard of her.

Q. Can't get aboard of what?

A. Of the "Celtic Chief."

Q. You didn't want to put the anchor on the "Celtic Chief"? A. Put in the end of our line.

Q. You didn't go ahead and put the anchor in position? A. No.

Q. Was there anything to interfere with your putting the anchor in position that night? [1416—582]

A. I don't know because it's up to the captain.

Q. It wasn't sundown? A. What is that?

Q. The sun wasn't down when you came out?

(Testimony of Richard Clarke.)

A. It was about six o'clock.

Q. The sun wasn't down?

A. It was down to the edge of the water.

Q. Just about ready to go down?

A. Something like that.

Q. Now, then, Mr. Clarke, when you put that freight on the Hackfeld wharf on Tuesday, when that anchor was on board the "James Makee"?

A. Yes.

Q. Where did you put that anchor?

A. Right on top the main hatch of the "James Makee."

Q. And you kept it there until Wednesday morning when you put it in position and laid it?

A. Yes.

Q. Had it been shackled to the cable so that it was in shape for pulling, on Tuesday afternoon?

A. The wire cable was shackled on to the anchor.

Q. It was? On the deck of the "James Makee"?

A. On the deck of the "James Makee."

Q. When was that done?

A. On our way going out.

Q. Tuesday afternoon?

A. Tuesday afternoon.

Q. Now, who had charge of dropping that anchor Wednesday morning? A. Weisbarth.

Q. You were also there? A. I was there.

Q. Who took up the "James Mackee's" anchor that morning? Who hove that int?

A. I think the boys.

Q. You saw that done, didn't you?

A. I saw them heaving the anchor.

(Testimony of Richard Clarke.)

Q. And your and four or five other men brought the anchor cable aboard the "Celtic Chief" on Wednesday morning? A. Yes. [1417—583]

Q. Did you help to lay the anchor?

A. I hoist here and put her in the water.

Q. You helped to hoist her?

A. Stood on the ———.

Q. That was on the main hatch of the "James Makee"? A. Yes.

Q. You were on the "James Makee" all of Tuesday night? A. Slept there.

Q. You didn't go aboard the "Celtic Chief" on Tuesday night? A. No, sir.

Q. Didn't try to? A. No, sir.

Q. Did anybody try to go aboard that night?

A. I don't know nothing about it.

Q. What time did you go to sleep that night?

A. I went to bed about quarter to eight.

Q. What time did you get up in the morning?

A. I got up about five o'clock.

Q. Not yet daylight? A. No, sir.

Q. Where was the big anchor?

A. The big anchor was on the "James Makee."

Q. On the main hatch? A. Main hatch.

Q. Right where it had been? Where you had put it? A. Yes.

Q. Hadn't been moved from that time? (Nods head.)

Did you get the answer, Mr. Reporter? He said it hadn't been moved.

Q. How did they lay that anchor? Did they pick it up with a steam winch and drop it overboard?



(Testimony of Richard Clarke.)

A. They hoisted with a steam winch.

Q. And dropped it over the side of the "James Makee"?

A. Yes, and we put it on the rail and we tied the rope down, and when we got there Weisbarth cuts that rope and drops the anchor in the water and we went aboard the "Celtic Chief." [1418—584]

Q. Who was in this boat that you went in to put the line aboard the "Celtic Chief" that Wednesday morning?

A. Wednesday morning? I know I had four men with me.

Q. Was Tom Mason with you?

A. Tom Mason was on the second boat.

Q. Did you go aboard the "Celtic Chief" before Tom Mason came?

A. I go one boat, he came in another boat.

Q. Tom Mason was under your direction? You were the boss in charge of everything?

A. I was in charge of my gang.

Q. Wasn't he under your orders?

A. He was under my orders once but he understands more than me about splicing.

Q. Now, you had, when the tackles were rigged up and were ready for being hove in, you put sixteen men on the capstan? A. On the capstan.

Q. And you kept those sixteen men working there until they got tired?

A. Split them up. They work a little while then another one jump in.

Q. This capstan, Mr. Clarke, is a sort of affair that stands up from the deck. It's round?

(Testimony of Richard Clarke.)

A. Round.

Q. It works on a pivot, works around?

A. Works around and there are holes there and you put poles in.

Q. How long are those poles?

A. Pretty long poles.

Q. Ten feet?      A. Less than that.

Q. About six feet?      A. Six or eight feet.

Q. On either side?      A. Sticking out.

Q. There would be about eight men on there?

A. Two men to a bar.

Q. How many bars were there? [1419—585]

A. Eight bars.

Q. Now, you were in charge there, weren't you, from Wednesday morning or Wednesday noon when the tackles were finally rigged into position until the "Celtic Chief" came off?      A. Yes, sir.

Q. You were right there in charge?

A. Have to be.

Q. And didn't do any sleeping that night and were right there on the job all night?

A. On the job all night.

Q. Now, then, Mr. Clarke, you had these sixteen men working on this the whole time?

A. Supper for half hour or quarter of an hour, extra man there, when one fall out another one jump in.

Q. Tom Mason was looking after the tackle?

A. He was on the tackles.

Q. You were looking after the capstan?

A. I was all around.

Q. You had direct charge of the capstan?

(Testimony of Richard Clarke.)

A. I had some men to watch it.

Q. You went around there and took a look every fifteen minutes?

A. Every ten or fifteen minutes I'm forward and aft.

Q. Did these sixteen men work in shifts that you used sixteen men only half an hour and then put on others?

A. I had less than thirty-two men altogether.

Q. And you would work about half of them for a part of the time and then the other half? A. Yes.

Q. How long did you work each shift on that capstan? A. About half an hour.

Q. Then you'd take them off?

A. Let them jump in. They know their chance.

Q. But there wasn't bars for more than sixteen men? A. Oh, yes, lots of holes. [1420—586]

Q. How many bars did you have on it?

A. I only had eight.

Q. How many bars did you have on that night, Wednesday night, from dark until the "Celtic Chief" came off? A. The same eight.

Q. And you had two men to the bar? A. Yes.

Q. When you speak of a bar you mean—

A. The stick that goes—

Q. Sticking out from the capstan?

A. From the capstan.

Q. Wouldn't one bar make two? One bar right through.

A. I'd stick the end of a bar into that.

Q. Then they hove on it? A. Hove on it.

Q. And you had eight of those?

(Testimony of Richard Clarke.)

A. Eight of them.

Q. Now, then, Mr. Clarke, a man couldn't do much good if he got up close to the capstan and pulled on those bars? They'd have to be out toward the end of the bar?

A. About three feet from the capstan you could work around.

Q. How long were these bars?

A. Six or eight feet.

Q. One man would be three or four feet and the other at the end? A. At the end.

Q. And that's the way you worked it? A. Yes.

Q. What were Mason's men doing, his gang of thirty men?

A. His men were taking care of the block.

Q. What would keep them busy?

A. To watch if them ropes run near.

Q. Was there anyone working on those tackles?

A. No, sometime they working on it.

Q. As a matter of fact, five or six men could have taken [1421—587] care of those tackles?

A. Five or six men?

Q. That was all that was necessary? A. Yes.

Q. It wasn't nearly as hard work as heaving on this capstan?

A. They was taking turns on the capstan.

Q. Most of the time?

A. Not most of the time. They heaved sometime taut when they jump in.

Q. When was it that you first noticed that the "Celtic Chief" began to come?

A. I was standing amidship of the ship.



(Testimony of Richard Clarke.)

Q. What time was it?

A. Between eight and nine o'clock, I guess.

Q. What did you notice?

A. Well, I took a light sight.

Q. Did you feel the ship give a jump?

A. After I missed my light then I feel the jump.

Q. Did you go and tell Captain Miller about this?

A. I went to tell him.

Q. Where was he? A. He was down the cabin.

Q. Who else was down there?

A. Miller, Macaulay, the captain of the ship and I think, Haglund.

Q. And when was that when he told you, "Keep your mouth shut"?

A. Yes, he came out and said, "Shut up, Dick." I told the boys, "Shut up."

Q. What did you understand that to mean?

A. I knows he want those fellows down the cabin keep chewing the rag and pull her off.

Q. He didn't want Captain Henry and Captain Macaulay to know anything about it?

A. I think so. That's why he shut me down, told me keep quiet. He says, "Shut up."

Q. Did you shut up?

A. I did so. I told the boys keep quiet. [1422—588]

Q. Tell Tom Mason to keep quiet?

A. Every one of them.

Q. Did you tell everybody?

A. Weisbarth, everybody.

Q. Did you tell Tom Mason, "Keep quiet"?

A. I sing out.

(Testimony of Richard Clarke.)

Q. Did you tell them Miller wanted them to keep quiet?

A. I never let them know. I didn't tell Mason; he must have hear.

Q. Where was Mason when you heard this jump?

A. He was in the midship of the ship watching this tackle.

Q. Were you there about the same place?

A. I was passing across to the poop.

Q. Did you say anything to Mason?

A. Only I said to Mason, "I hope the 'Celtic Chief' come off."

Q. What did he say?

A. He said, told me he want to see it.

Q. He notice the jump? A. Yes.

Q. Did he say anything? A. Simply laughed.

Q. That was about an hour before she actually came off the reef, was it? A. I can't tell.

Q. I think you said, in response to Mr. Magoon, it took about an hour? A. Might be little more.

Q. You said she came off about eleven or twelve o'clock? A. Between ten and twelve.

Q. And the first movement was between eight and ten? A. Yes.

Q. Now, what is your best judgment and recollection? Isn't it the fact that you felt the first jump about two or three hours before the "Celtic Chief" actually came off? A. Two or three hours?

Q. Yes, two or three hours before that. Wasn't it quite a long time? Two or three hours? [1423—589] A. That first jump between eight and ten?

Q. Wasn't that two or three hours before she

(Testimony of Richard Clarke.)

finally came off?

A. About three hours when she came off?

Q. That's your best judgment now?

A. That is what I understand.

Q. That's what you mean to say?

A. Yes, between eight and twelve.

Q. Then you think it was very shortly after eight o'clock that the vessel made this jump and about twelve when she came off the reef?

A. About right.

Q. That's your best judgment and recollection now when she came off?     A. Yes.

Q. What did you and Mason do after that first jump when Miller told you to shut up?

A. We fleet up the tackle.

Q. Did the tackles drop down on the deck then?

A. Yes.

Q. Loose?     A. Loose.

Q. And did you help Mason do that?

A. Everyone. I got the ten boys on the bar with the capstan and all the rest of the boys down on the deck fleet in the tackles.

Q. You kept ten men on the bars to hold that taut?

A. I kept ten men forward to pull that slack of the rope.

Q. You kept pulling that in? Do you know what time it was dark that night? About what time it became dark? It was December.

A. I don't know what time.

Q. It was pretty well dark at seven o'clock?

A. Pretty dark.

Q. And about an hour or so later was when you

(Testimony of Richard Clarke.)

felt this first jump?

A. About eight or half-past eight.

Q. Now, you were the man that kept general charge, had general charge of the whole thing, the Miller wire and anything in general. Isn't that right? [1424—590]

A. I was taking care of part of it.

Q. Weren't you in charge of the whole business?

A. There was three of us.

Q. Who were they?

A. Weisbarth, Tom Mason, and myself.

Q. Tom Mason knew more than you about the rigging and splicing?

A. He know more than I do because I never been in the sea.

Q. You left him in charge of that? A. Yes.

Q. What did you leave Weisbarth in charge of?

A. What's that?

Q. What did you leave Weisbarth in charge of?

A. Those two were taking care of the gang.

Q. And you were taking care of the whole business? A. I was half and half.

Q. You left Mason in charge of what he could best do and you left Weisbarth in charge of what he could best do, but you were in charge of the whole thing?

A. Yes.

Q. You were the man that Miller left to go around and see that the men were working? A. Yes.

Q. Did you have any talk with Mason that night?

A. Passed by him.

Q. Did you have any talk with him?

A. Very little.



(Testimony of Richard Clarke.)

Q. Once in a while? A. Once in a while.

Q. He was pretty busy with the tackles all the time? A. Yes.

Q. Tending to his business?

A. Tend to his work.

Q. He didn't have anything to do with going up on the poop and around up forward?

A. Well, I didn't pay any attention about him going up on the poop but I know I [1425—591] go up on the poop and Ekau was watching the rope.

Q. But Mason wasn't up on the poop?

A. I know I was.

Q. You never saw him go up there?

A. I never see him.

Q. He didn't have anything to do on the poop?

A. He might take a walk up there.

Q. But the tackles were all down on the main deck?

A. Yes.

Q. And if he took a walk up there it some simply because he wanted to take a walk?

A. Take a little rest.

Q. Did you go and have a little talk with Weisbarth and Mason when Miller told you to shut up, not to say anything?

A. After we got it fleet up again I came alongside with Weisbarth and says, "Now, we're beginning to move."

Q. Did you say anything to Mason?

A. I don't think. I came out and slapped him on the back.

Q. Tell him that Miller didn't want these other fellows to have anything to do with it?

(Testimony of Richard Clarke.)

A. I don't know anything about that.

Q. What did you tell Mason?

A. Told Mason, "We're going to make some money."

Q. You told them all to shut up and not say anything? A. Yes.

Q. Now, Mr. Clarke, Tuesday night, how far was it from the "Celtic Chief" to the anchor of the "James Makee" and the "Mokolii"?

A. That was lying on the port side; can't tell how far distance.

Q. Well, about a quarter of a mile?

A. Less than that.

Q. Couple hundred yards?

A. Couple hundred yards.

Q. About six hundred feet away?

A. Something like that. [1426—592]

Q. Now, the "Helene" and the "Likelike" were pulling off on the port side of the "Celtic Chief" that night, Tuesday evening?

A. They was out in the evening.

Q. And they between that anchor and the "Celtic Chief"? A. Was further down this side.

Q. You were further out from the "Celtic Chief" than they were? You were farther out to sea than they were?

A. I know we anchored right near the "Helene," that's all.

Q. Further out to sea?

A. Little way out to sea.

Q. So that when you said that these various steamers like the "Helene" and the "Likelike" and

(Testimony of Richard Clarke.)

the "Mikahala" had lines out, about as long as the "Celtic Chief" herself, do you mean to say that they had about two hundred and fifty or three hundred feet of line? A. I don't know.

Q. What in your judgment? A hundred yards?

A. Maybe nearer. Hundred or less than that.

Q. Couple hundred feet?

A. About couple hundred feet.

Q. And you think that the anchor was laid out about the same distance? A. What's that?

Q. The anchor was laid out about the same distance?

A. We got the anchor between the "Helene" and the "Mikahala."

Q. And about the same distance away from the "Celtic Chief," couple hundred feet?

A. I guess about a couple hundred feet.

Q. So that from the anchor to the "Celtic Chief" would be about a couple hundred feet?

A. I have no idea of measuring how far they are and how far the anchor is.

Q. About four times as long as this room?

A. Five times.

Q. About two hundred and fifty feet?

A. I think Miller ought to know.

Q. I'm asking you.

A. I don't know how many fathoms of wire.

[1427—593]

Q. About 250 feet?

Mr. MAGOON.—I object.

The COURT.—I allow the question.

Q. Your best judgment is that it was about 250?

(Testimony of Richard Clarke.)

A. I ain't quite sure of that. 200 or less.

Q. 250 feet or less?

A. Or less or more, can't tell.

Q. Was it 2,000 feet?

Mr. WEAVER.—I object. I interpose an objection here after the witness has said he has no idea.

The COURT.—Objection overruled.

Q. Was it 2,000 feet away? A. It ain't 2,000.

Q. You are sure of that, aren't you? And you are sure that you're sure of that also?

A. I ain't quite sure because I tell you I don't know anything about it.

Q. You saw where the anchor was laid that night?

A. I saw where they laid the anchor.

Q. You are pretty sure that wasn't a half mile from the "Celtic Chief," aren't you?

A. Wasn't half a mile.

Q. You know it was also further away than twenty-five feet?

A. Why, it's farther than a hundred.

Q. As far as you can recall it was about 250 feet? Isn't that the best of your judgment, that it was about 250 feet? A. 200 or less.

Q. Did you go up on the poop when the "Celtic Chief" came off the reef?

A. I went up there to sing out to Miller when that first jerk.

Q. The first time? A. The first time.

Q. That was two or three hours before she finally came off?

A. She came off I wasn't on the poop. [1428—594]



(Testimony of Richard Clarke.)

Q. The fact is that you didn't go up on the poop again after that first time?

A. When she made the first jump.

Q. Then you went astern? A. I went astern.

Q. And then Captain Miller told you to keep still then you went back again? A. Went back again.

Q. You stayed there until he came up?

A. Walked fore and aft.

Q. You didn't go on the poop again? You didn't go on the poop at all during the time Miller told you to shut up until she came off the reef? A. No.

Q. Now, you drew a diagram here, Mr. Clarke, of the position of the "Celtic Chief" and also the positions of the various Inter-Island steamers, the "Intrepid" and the "Arcona," as well as the Miller anchor. Didn't you draw a chart of it?

A. Yes, I drew a chart.

Q. That's a pretty accurate chart of what you saw?

A. Sir?

Q. That represents pretty well your present recollection of what the positions were?

A. That's what I done.

Q. That is as you now remember it? A. Yes.

Q. Isn't it the fact, Mr. Clarke, that you testified on direct examination that the "Arcona" took a position over the Miller anchor?

A. She was over the Miller anchor.

Q. Wasn't the Miller anchor laid astern of the "Celtic Chief"? A. She was astern.

Q. So that the "Arcona" was astern?

A. Laying on our anchor like this. Here's our anchor here and she was a little bit across that.

(Testimony of Richard Clarke.)

Q. What position did she have when she broke her line on Wednesday afternoon?

A. Who—the "Arcona"? [1429—595]

Q. "Arcona."

A. When I hear the line carry away it was ahead.

Q. What position did she have at that time?  
Right astern? A. Right astern.

Q. And that was the position she had afterwards, the same position?

A. What I saw when I came back saw her lying this way.

Q. When was that? A. That night.

Q. What time?

A. Late, between ten and eleven.

Q. How could you see the position in which the "Arcona" was lying? A. The electric shows.

Q. And the moon was shining?

A. Little moon shining.

Q. And the stars were shining?

A. I don't know about the stars.

Q. It was a clear, moonlight night, you could see perfectly well what all those vessels were doing, couldn't you? A. Yes.

Q. Now, as a matter of fact, the almanac shows the moon wasn't shining.

A. The light was shining.

Q. What about the moon?

A. The searchlight would be like the moon.

Q. I'm asking if the moon was shining?

A. The moon wasn't shining.

Q. Why did you say a few moments ago that the moon was shining?

(Testimony of Richard Clarke.)

A. The way I was talking about the lights.

Q. There was no moon? Why did you say the moon was shining?

A. I just give your words back.

Q. Wasn't the moon shining?

A. There was no moon that night.

Q. What if the almanac shows there was a moon?

A. *There was a moon.* [1430—596]

A. There was no moon.

Q. What if the almanac shows there was a moon?

A. What's almanac?

Q. Don't you know what the almanac is?

A. Oh, the calendar.

Q. What if the calendar shows the moon was shining?

A. If the moon was shining let her shine.

Q. As a matter of fact, you don't know whether the moon was shining?

A. There was no moon.

Q. Was it cloudy? A. Might be cloudy.

Q. What did you mean by saying a few moments ago that it was not cloudy and clear?

Mr. MAGOON.—He didn't say so.

Q. What did you mean by saying it was a clear, moonlit night? A. I thought you was joking.

Q. You thought I was joking? Did you joke in response to my other questions? A. No, sir.

Q. Were you joking when you said the "Arcona" was lying a little bit across the anchor of Miller?

A. No, sir.

Q. You meant business then?

A. Meant business.

(Testimony of Richard Clarke.)

Q. You saw the "Arcona's" lines, didn't you?

A. They was buried in the water.

Q. You could see that plain?

A. I could see plainly.

Q. The light of the "Arcona" was playing right on the stern of the vessel?

A. I could see them plainly.

Q. And she was not turning up any water astern at all? A. I have no idea of the stern.

Q. But you could see her lines in the water?

A. Lines in the water.

Q. You could see the lines? A. Yes.

Q. You could see where those lines came out of the water again up to the "Arcona"? They would come from the "Celtic [1431—597] Chief" down in the water and then come up to the "Arcona"? You could see that?

A. I saw where the end of the line goes in the water.

Q. From the "Arcona"?

A. From the "Celtic Chief."

Q. And where they came up to the "Arcona," you could see that? A. I see it.

Q. You could see where they were working?

A. They was working.

Q. You could see that?

A. Whenever they turn her.

Q. Now, then, Mr. Clarke, where were you when you saw this?

A. I was on the port side of the ship.

Q. Whereabouts?

A. On the after end of the poop.



(Testimony of Richard Clarke.)

Q. On the port side?

A. On the port side.

Q. Did you see the starboard rail?

A. Well, I'm all around.

Q. You could see it from the deck?

A. The rail goes, you could see the rail from the poop deck.

Q. You could see how it went right down into the water on both sides?      A. On both sides.

Q. Isn't it a fact, Mr. Clarke, that there were four and a half foot bulwarks on the sides of the main deck?      A. Bulwarks?

Q. Sides of the vessel.

A. Sides of the vessel comes right up to my chest.

Q. About four and a half or five feet?

A. Something like that.

Q. Then it comes back to the poop and rises seven or eight feet?

A. To the poop deck is about ten feet.

Q. And the sides of the vessel come right to the poop?      A. Yes. [1432—598]

Q. You can't see anything?

A. No, you saw the sides.

Q. Now, then, will you explain how you were able to see both those rails from the port side of the ship?

A. I go on the port side, peep on the side there a little while, then go over to the starboard side.

Q. You did that, did you?      A. Yes.

Q. Why did you say a few minutes ago that you could see forward?

A. When I got on the top of the poop.

Q. Didn't I ask you a few minutes ago if you

(Testimony of Richard Clarke.)

couldn't see those?

A. You could see the two lines where the "Arcona" is.

Q. Could you see it from the main deck?

A. On the starboard side.

Q. Didn't you say a few minutes ago you could see it anywhere? A. Yes.

Q. Did you mean that?

A. I mean go right across the ship.

Q. Could you see them forward?

A. On the main deck.

Q. Isn't it the fact, Mr. Clarke, that the starboard chock is at the break of the poop.

A. There is two chock there, one on the port, one on the starboard.

Q. And that's where the lines came through.

A. Yes.

Q. How do you explain that you could see them?

A. From one side to the other.

Q. You would have to look at the side?

A. Have to go from one side to the other side to look at it.

Q. Didn't you testify this morning that you were on the poop watching what was going on outside?

A. Every spare time I got I look over the side.  
[1433—599]

Q. Why did you testify this morning that you didn't know what was going on outside of the vessel?

A. I was working fore and aft on the main deck.

Q. Why did you say you were too busy?

A. I was looking outside after I got done there.

Q. Why did you say this morning that you were

(Testimony of Richard Clarke.)

too busy with your work on the deck to see what was going on outside of the vessel?

A. I was looking outside when that cable parted.

Q. Why didn't you say that this morning?

A. I didn't care much to look at the other boat.

Q. You were looking at the "Arcona"?

A. I was looking at the "Arcona." I thought she was going to pull them to pieces.

Q. Didn't you think that her lines were so small that she would break them?

A. I guess they are pretty good wire.

Q. But any rate you thought that she'd break her lines to pieces—that's what you said?

A. No, I thought it was going to break her in pieces.

Q. Break the lines?      A. Break the ship.

Q. Which ship?      A. "Celtic Chief."

Q. She was pulling so hard?

A. Afterwards he get his cable never pull any.

Q. Not that night?

A. I never see them pulling.

Q. You are willing to swear, are you, Mr. Clarke, that the "Arcona" from about six o'clock—

A. Six o'clock?

Q. On Wednesday afternoon until the "Celtic Chief" came off that night, you are willing to swear to the Judge that the "Arcona" wasn't doing any pulling?      A. He pull until he part his cable.

Q. But from six o'clock Wednesday night until she came off, are you willing to swear that the "Arcona" didn't do any [1434—600] pulling?

A. I see her line buried in the water.

(Testimony of Richard Clarke.)

Q. Are you willing to swear that the "Arcona" wasn't doing any pulling from six o'clock Wednesday night until the "Celtic Chief" came off about twelve?

A. I ain't testing his wire. I can't tell you.

Q. You don't know?

A. I see his wire buried in the water.

Q. You saw that once or twice?

A. Once or twice—more than that.

Q. Or three times? A. Three or four.

Q. Isn't it a fact that you saw that early in the evening about seven or eight o'clock?

A. I test the cable.

Q. About six o'clock that night?

A. I don't know. Somewhere about like that.

Q. When was it that the "Arcona" first came out to the "Celtic Chief"? A. What's that?

Q. When was it that the "Arcona" came out to the "Celtic Chief" on Wednesday?

A. I have no idea.

Q. Weren't you out there?

A. I was out there.

Q. Were you busy?

A. I see her coming.

Q. When was it that the "Intrepid" cut her line and got away?

A. His line was chopped off in the afternoon.

Q. What time?

A. I don't know what time.

Q. Wasn't it about the time that you first got the Miller lines taut?

A. Got the lines out there and I saw the pilot coming there.



(Testimony of Richard Clarke.)

Q. And he cut the line?

A. Cut the line.

Q. And that was the time you got your line taut?  
Shortly after the line was cut?

A. Shortly after the line was cut.

Q. And then didn't the "Arcona" take the "Intrepid's" [1435—601] position?

A. I didn't take no notice of that. I heard Captain Harry was raising hell on deck.

Q. Who's Captain Harry?

A. Captain of the tug.

Q. He was raising hell?

A. "Who the hell cut his line?"

Q. That was the captain of the "Intrepid"?

A. Harry ———.

Q. About what time?

A. I don't know what time I heard him raising hell.

Q. Isn't it a fact that was about noon on Wednesday?  
A. Something like that.

Q. Don't you know that the "Arcona" came there and took the position of the "Intrepid" right away?

A. I don't know about this time.

Q. Well, the "Arcona" came in there?

A. She came in there.

Q. About the same time, just after the "Intrepid" got away; isn't that right?  
A. Yes.

Q. Now, then, Mr. Clarke, the "Intrepid" only had one line on the "Celtic Chief"?

A. Who—the "Intrepid"?

Q. I mean the "Arcona." The "Arcona" put one wire line on board the "Celtic Chief," didn't she?

(Testimony of Richard Clarke.)

A. I think so.

Q. And she pulled that taut and broke it?

A. I heard her crack.

Q. What? A. I heard the wire part.

Q. Did you see it? A. I heard the noise.

Q. Did you see it? Did you see the line before it was broken? A. Yes.

Q. If the fact is that that line was broken about two o'clock in the afternoon, then is your testimony now correct that she broke it about noon? Why are you taking so long to answer me?

A. I was thinking over about that second one.

Q. It wasn't about midday?

A. I know they passed that [1436—602] line on afternoon.

Q. In the afternoon?

A. In the afternoon, I think.

Q. Before dark?

A. Before dark or after dark.

Q. As a matter of fact, you were so busy around the tackles on board the "Celtic Chief" that you don't know what was going on?

A. I don't pay any attention.

Q. And you didn't pay any attention to the "Arcona's" lines? You didn't look at them at all?

A. I saw them around there.

Q. Isn't it a fact that when the "Arcona" put both lines on board she moved around until she had the lines so that she had an even strain on both of them?

A. I don't have no idea of that.

Q. Didn't you see that?

A. I see two line only from the ship.

(Testimony of Richard Clarke.)

Q. Didn't she get an even strain on them?

A. I think it is equal, is even.

Q. Then she had an anchor straight ahead?

A. That's right.

Q. And that's the position she kept until the "Celtic Chief" came off?

A. She was lying that way.

Q. Can't you answer my question? Isn't it the fact, I'll withdraw my former question.

Mr. WEAVER.—Let's hear his answer.

Q. Now, I'll ask you, when you say that she was lying that way, don't you mean, Mr. Clarke, that she had an even strain on her two lines after she had broken her first line and laid her anchor out ahead, and then, having got in that position she stayed there until the "Celtic Chief" came off about eleven or twelve o'clock that night? Isn't that what you mean? A. She was lying all the time—

Q. Can't you answer my question?

Mr. MAGOON.—Why, don't you allow the witness to answer the [1437—603] question?

The COURT.—Did you want to say any more? In this last question, did you intend to say something more? A. No.

Q. Now, then, I want you to answer my question directly. Answer yes or no, if you can. Isn't it the fact that when she had gotten her strain as you have testified on those two lines that she had, and she had placed her anchor out ahead, she kept that position, after she had gotten that strain, until the "Celtic Chief" came off about eleven or twelve o'clock that night?

(Testimony of Richard Clarke.)

Mr. WARREN.—I object to that question on the ground it assumes a fact that is not in evidence.

Mr. OLSON.—I withdraw the question in order to see that point. Didn't you testify that after she parted her line the first time, she put two lines aboard and got an even strain on the two? You testified to that, didn't you?

A. I seen her line was even.

Q. You saw that she had an even strain on them?

A. Even line.

Q. But she had an even strain on both of them?

A. I ain't sure of that because I never been on board that ship to tell it's even.

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Q. Do you know, Mr. Clark, how the "Arcona" parted her line? Whether it was by a steady pull or by a jerk? A. I haven't got no idea about it.

Q. You didn't see it? A. No.

Q. You didn't see the line part itself?

A. I didn't see him. He made a jerk. I didn't take notice of it, but I saw a piece of the line on deck there.

Q. Afterwards? A. After.

Q. And you don't know how it was broken at all.

A. No, I didn't pay no attention to it. [1438—604]

Q. You saw, however, that the "Arcona" had an anchor out ahead?

A. She might had an anchor. I didn't take notice of its bow.

Q. You didn't know whether she had an anchor ahead—you didn't notice?



(Testimony of Richard Clarke.)

A. I didn't take notice.

Q. As a matter of fact, you don't know what the "Arcona" was doing?

A. The "Arcona" was lying astern of the "Celtic Chief."

Q. Over the Miller Salvage Co. anchor?

A. Over the Miller Salvage anchor.

Q. What part of her was over the Miller Salvage Co. anchor?

A. The stern post right on top that Miller's anchor.

Q. Now, you made a diagram here, didn't you, of the situation out there showing the situation and location, the position of the "Celtic Chief," likewise the positions of the towing steamers including the "Arcona" and also the Miller Salvage Co. anchor. You drew a diagram of it?      A. Yes, sir.

Q. And that is as nearly accurate as you can say?

A. That is the nearest I can say.

Q. Do you mean to say, then, do you mean to say that the "Arcona" was lying on the starboard quarter somewhat of the "Celtic Chief"?

A. On the starboard?

Q. Was she lying on the starboard quarter of the "Celtic Chief"?

A. I think she was lying on the port side.

Q. This way, right back astern of the "Celtic Chief"?

A. I didn't take no notice the way how she was lying.

Q. Do you mean on the right side or the left side?

A. I think it was on the port side.

Q. You said yesterday, I believe, that you didn't

(Testimony of Richard Clarke.)

know which was port and which was starboard. I want you to say now whether it was the right side or the left side of the "Celtic Chief"?

A. I think it was left side, port side.

Q. Now, in this drawing that you made here, this diagram [1439—605] you haven't marked very distinctly the "Arcona," the "Arcona's" line. Do you mean to say that that is a correct drawing of the position of the "Arcona"?

A. That's the closest I can give it.

Q. And its line?

A. I think that's the closest I can draw for you.

Q. How many lines did the "Arcona" have?

A. Two of them.

Q. You have not designated these lines on this diagram.

A. The first time she had one line, the second time two lines.

Q. All right. I'd like to have you add on this diagram the two lines of the "Arcona" and where they were to the "Celtic Chief." Show where they were on the "Celtic Chief."

A. I show you from the "Celtic Chief," from here, right in back of the stern of the ship.

Q. Draw the lines to the "Arcona."

A. The line came around this way.

Q. Where did they come to the "Celtic Chief"?

A. Around the "Celtic Chief."

Q. Where was the "Arcona"? A. Over here.

Q. Haven't you drawn the "Arcona" out this way?

A. Them two lines run to the deck.

Q. Can't you draw them over to the "Arcona"?

(Witness draws on diagram in evidence.)

(Testimony of Richard Clarke.)

Q. Now, then mark a little more distinctly the position of the "Arcona."

(Witness marks on diagram in evidence.)

Q. Just erase those two first lines that you drew at the side, the wrong ones, the ones that don't go to the "Arcona." Over here also. (Witness erases portion of diagram.)

Q. Now, then, now you've made the position of the "Arcona," haven't you, by the word "Miller."

A. Yes.

Q. That's the correct position? Put a cross right there where you've got the anchor. [1440—606]

(Witness marks on exhibit.)

Q. I'd like to have you mark on those two lines that you've drawn to the "Arcona," the figures 1 and 2.

(Witness marks on exhibit.)

Q. Then that shows the two lines, does it?

A. The two of them.

Q. The "Arcona's" search-light was playing pretty much of the time on Wednesday night, was it not? A. Yes, sir, pretty fair.

Q. You could see the lines of the "Arcona" very well, couldn't you? A. Yes.

Q. How does it come you don't know where they were attached to the "Celtic Chief"?

A. The lines?

Q. Yes.

A. I didn't pay any attention much. I'm all around working here and there looking on the side.

Q. You didn't pay any particular attention to those lines? A. No.

(Testimony of Richard Clarke.)

Q. And that's the real reason why you aren't able to say just where they were attached to the "Arcona"? A. That's right.

Q. You weren't concerning yourself with anything outside of your immediate business, namely, the tackles and the capstan?

A. I was tending my own work.

Q. That is tending to the cables; you weren't worrying about what the others did?

A. I wasn't working for the others.

Q. You don't know what the other boats were doing? A. I see them lying around.

Q. You don't know whether they were pulling or not?

A. Whether they were pulling or not pulling?

Q. You don't know? A. No.

Q. Now, you say that the "Celtic Chief" was a little [1441—607] off to the port side of the "Celtic Chief"? A. Where she was lying at.

Q. Was she to the port or to the starboard of the "Helene"? A. Was on the port of the "Helene."

Q. Which side was the "Mikahala" pulling on in reference to the "Celtic Chief"?

A. On the starboard side.

Q. And the "Helene" was on what side?

A. On the port side.

Q. She was on the port side? A. Yes, sir.

Q. Where was the "Arcona" with reference to the "Mikahala" and the "Helene"?

A. Right between them.

Q. And yet the "Arcona" was on the port side?

A. Her stern was on the port side.



(Testimony of Richard Clarke.)

Q. Was she more toward the "Helene" or more toward the "Mikahala"?

A. Well, there right between them.

Q. Was she more toward the "Mikahala" or more toward the "Helene"? A. I haven't got no idea.

Q. Which way was she pointing? With her bow toward—was she pointing over toward the "Mikahala"? A. I haven't got no idea about it.

Q. You don't know? A. No.

Q. As a matter of fact, isn't it true that she wasn't pointing toward any one—that she was dead astern?

A. Sometime near the stern, running around.

Q. The waves would bring her around so that sometimes her bow would be directly astern of the "Celtic Chief" and then again it was shifted. That's correct? A. That's as near as I can give.

Q. Yes. You weren't there, Mr. Clarke, when the "Arcona" was pointing with her bow more toward the "Mikahala" than [1442—608] toward the "Helene." Can't you answer my question?

A. Well, I have no idea of thinking about those steamers.

Q. Then why did you say on direct examination, Mr. Clarke, that the "Arcona" was lying over the "Helene," at an angle somewhat across of the "Celtic Chief"?

A. Sometime the swell would bring her around.

Q. She was working back and forward?

A. Working out and in.

Q. And that's what you meant on direct examination when you said she was lying across the stern?

A. Little bit over.

(Testimony of Richard Clarke.)

Q. Sometimes she'd be around straight?

A. Around straight.

Q. Sometimes she'd be in the other direction. Would she sometimes be pointing toward the "Helene," too? Can you answer the question?

A. I had no idea to watch those steamers.

Q. Now, Mr. Clarke, isn't it the fact that you didn't notice at all?

A. Sometime when I stand on the poop and looking over this way and the waves working her up.

Q. Then you mean to say, Mr. Clarke, that you didn't pay any particular attention to her position?

A. I didn't pay attention.

Q. And you aren't able to say just what position the "Arcona" had out there?

A. What I say it's what I'm telling.

Q. Sometimes she'd be pointing in one direction and sometimes in another; is that right?

A. That's what I understand.

Q. That's what you saw, wasn't it? Her bow would be swinging back and forth, would it?

A. Her bow sometimes her stern working a little.

[1443—609]

Q. Was she working very much?

A. No; of course, I didn't watch her all the time.

Q. Well, did you watch her at all?

A. Just look on the side.

Q. Because you weren't concerned with what the "Arcona" was doing?

A. I don't pay no attention about her.

Q. Well, I want to know what you meant when you said, "She was lying somewhat on the port

(Testimony of Richard Clarke.)

quarter of the 'Celtic Chief' ''? What did you mean by that?

A. Well, she's working herself, you know, when she slipped around. Take any steamer out in the sea would *sloop* around when little current come, no matter how many anchor you put on it. Bound to work.

Q. Did you observe this from her lines? You could see this from her lines?

A. I saw in the daytime.

Q. In the afternoon? A. In the afternoon.

Q. *What* that before or after she had put both her lines on?

A. After she put both lines on board of the ship. Then I didn't take notice to watch her all the time.

Q. You didn't notice her after she put both her lines on? A. No.

Q. Is that when you noticed that she had that position a little bit crossways, more toward the port quarter? A. That's right.

Q. After that you didn't notice what her position was? A. No.

Q. That's what you believe now? A. Yes.

Q. That's your present recollection? A. Yes.

Q. And you think she put both those lines on board the "Celtic Chief" a little bit after dark?  
[1444—610]

A. Little after dark when I see two lines on board.

Q. Did you see them before that?

A. I saw one line.

Q. She had only one line on board all of Wednesday afternoon? A. I didn't take notice of the two.

(Testimony of Richard Clarke.)

Q. What time do you think it was?

A. Sometime in the afternoon.

Q. About five or six o'clock?

A. I had no idea about time.

Q. But you're sure she didn't have two lines on board until somewhere about dusk or dark?

A. Sometime in the evening.

Q. About dusk or dark?

A. Might be dark. I had no idea.

Q. You weren't paying any attention to those lines at all? A. No.

Q. Not any time? A. No.

Q. Did Mr. Mason take any orders from you at all? Tom Mason? A. Tom Mason?

Q. Yes. Did you direct him to do certain things?

A. Only when I gave him some order to make straps.

Q. Now, at this time that you first felt she was moving two or three hours before she came off, between eight and ten o'clock, didn't you have something to do with the getting of those tackles taut again together with Mr. Mason? A. We did.

Q. You did, didn't you? A. Yes.

Q. Tom Mason was there when those tackles fell down? A. He was there.

Q. All there? A. Weisbarth.

Q. You?

A. Weisbarth there. Tom Mason and Frank running the steam launch.

Q. Frank Loncke?

A. Loncke? I don't know; he's the steam-launch runner. I was standing *the* the top. [1445—611]



(Testimony of Richard Clarke.)

Q. Was Loncke the same man who was most of the time on the capstan with the lines?

A. I see him sitting on the capstan.

Q. He was there most of the time?

A. Sitting around there changing the fall.

Q. That's all he was doing?

A. That's all he was doing.

Q. He really didn't have much to do with the work? A. He go around once in a while.

Q. That's about all? A. That's all.

Q. Now, at this time that I'm speaking of when the tackles dropped down to the deck, the first time that she moved between eight and ten o'clock, did Tom Mason and Weisbarth, both of them, help to get those tackles back taut again? A. Yes.

Q. And fleeted?

A. Fleeted with the gang of the boys. They cannot do it with two or three men. You got to have a gang there to help.

Q. Tom Mason was there? A. He was there.

Q. He saw when the "Celtic Chief" took this jump? A. Yes.

Q. He and Weisbarth called you? A. Yes.

Q. You all knew that she had moved at that time?

A. Yes.

Q. How did you know? A. Felt the jump.

Q. Did they say so?

A. They all said, "There, she's coming; God damn her. We make money now."

Q. Mason said that too?

A. Everybody I talked to.

Q. I want to know if Mason said that?

(Testimony of Richard Clarke.)

A. I think Tom said that.

Q. He was there all right?

A. I was there all the time.

Q. Tom Mason was there all right and knew that she was coming?

Mr. MAGOON.—How could he tell? [1446—612]

The COURT.—Objection overruled.

Q. Tom Mason knew all right enough that she had taken this jump between eight and ten o'clock, the first jump? A. I guess he knew it well.

Q. What is that? A. I think he understand it.

Q. Don't you know? You were right there.

A. I'm right there.

Mr. WEAVER.—How could this man say that the other man heard it?

Mr. OLSON.—I'll withdraw my question. Could he help hearing all of these remarks? A. Who?

Q. Tom Mason, about her coming off and that you were all going to make money?

A. I don't know about their mind. That's what I heard the boys was talking.

Q. Did Tom Mason hear this?

A. He must have heard it.

Q. Now, what was it that Tom Mason did then in getting those tackles on the ship? What part of the work did he do after they had fallen down the first time showing that the "Celtic Chief" had taken this jump?

A. All hand haul in the slack and shift the blocks.

Q. Did he have anything to do with fleeting of the blocks? A. Fleet? That's the same.

Q. Was Tom Mason there at the time?

(Testimony of Richard Clarke.)

A. Tom Mason was there and I was there.

Q. How many men would it take to do it?

A. I can't tell you, but we had to get plenty of men.

Q. About how many? A. About ten men.

Q. Tom Mason was the man who was in charge of it? A. Yes, Tom Mason and Weisbarth.

Q. What was Weisbarth doing? [1447—613]

A. Taking charge of the tackle.

Q. Did he have anything to do with the overhauling of the blocks?

A. Yes, they overhauled together.

Q. Now then, from that time on until the next two or three hours until the "Celtic Chief" came off as you have testified what were you and Weisbarth and Tom Mason doing? Between the first jump and the time that she finally came off? Don't you know?

A. I've forgotten that now.

Q. You were simply attending to the things around the deck?

A. Walking all over, forward and backward and talking with one of the steamer's mate.

Q. Were you heaving on the capstan?

A. The boys was heaving on it.

Q. Now and then they wouldn't push all the time?

A. Get a little taut then take a spell.

Q. Would they go over there and take a chance on it for may be fifteen minutes or so?

A. Can't stay on the capstan all the time.

Q. Were they busy all the time?

A. They really have no times. It's a little taut they take a little breath then start in again.

(Testimony of Richard Clarke.)

Q. Now, Mr. Clarke, what did you mean when you said the rest of the men began to say, "Now, we're going to make some money," when you felt her coming the first time? What were you talking about? You were going to make some money?

A. The boys got their mind.

Q. You were going to be paid?

A. No, sir; what they told the boys, that they might get extra.

Q. Did you get anything extra?

A. I didn't get any extra.

Q. Had Captain Miller told you that you'd get anything [1448—614] extra? A. No.

Q. You just thought that you would?

A. Yes, that's what I thought.

Q. Do you expect to get something extra?

A. I don't know.

Q. If Captain Miller and the Miller Salvage Co. gets an award in this case of damages from the "Celtic Chief," do you expect something extra?

A. I have no authority about that.

Q. Well, do you expect to?

Mr. MAGOON.—I object to it.

The COURT.—I allow the question.

Q. Do you expect to get something more whenever the Miller Salvage Co. gets an award for salvage in this case?

A. I don't know. They might give me a present.

Q. Do you expect that? A. No, I don't expect.

Q. Have you been promised anything at all?

A. I never promised anything.

Q. Do you intend to ask Captain Miller to give



(Testimony of Richard Clarke.)

you something more? A. No, sir.

Mr. MAGOON.—Object to that, whether he intends to ask.

The COURT.—It might show his attitude. I allow the question.

Q. Now then, Mr. Clarke, was the jump that you felt the second time, along between about eleven o'clock or twelve o'clock when she came off, was the moving that you felt then pretty much the same as the first movement that you had felt earlier in the evening on the part of the "Celtic Chief" about eight or half-past eight o'clock?

A. What I felt it's like those.

Q. Didn't she jump forward and off? A. Yes.

Q. Didn't the tackles drop down suddenly?

A. Yes. [1449—615]

Q. And she was off all of a sudden?

A. All of a sudden you could see the lines come off.

Q. When those tackles dropped you felt her suddenly come out of the water? A. Yes.

Q. And it was pretty much the same sort of a feeling that you felt early in the evening?

A. The first jump not quite so fast.

Q. But she went after a hard run?

A. Somewhere about half walk and running.

Q. How long did it give that jump the first time?

A. I didn't take no notice.

Q. Half a second or a second?

A. About half a second or a second.

Q. And the tackles dropped down on the deck that time too? A. Dropped right down on the deck.

(Testimony of Richard Clarke.)

Q. Now, just where were you this time that you felt this first jump about half-past eight in the evening? Do you remember just where you were?

A. No, sir.

Q. Were you over to the side of the vessel or in the middle or alongside of the tackles?

A. I was on the side of the ship.

Q. What side of the ship?

A. On the starboard side.

Q. What were you doing?

A. I was looking in the water seeing the swell coming on the side.

Q. Just simply looking overboard?

A. Just passing my time.

Q. You weren't particularly noticing anything?

A. No until I feel that jump.

Q. Then you felt that? A. Yes.

Q. You weren't noticing particularly what the steamers were doing—the ships?

A. No, I didn't take no notice.

Q. Didn't take any notice about them at all?

A. No. [1450—616]

Q. Don't know what they were doing? A. No.

Q. You weren't interested in what they were doing—you were simply interested in doing your own work as best you knew how? A. As best I know.

Q. Between this first jump that you've testified to, which took place, according to your testimony, about half-past eight o'clock, and the time that the "Celtic Chief" finally came off, did you feel any other jumps of the "Celtic Chief"?

A. There was only two jumps.

(Testimony of Richard Clarke.)

Q. The first one that you testified to and the last one.     A. And the last one.

Q. And that's all?     A. That's all.

Q. Pretty sure that you didn't feel her make any movement off?

A. That's the only two feelings I had.

Q. The tackles didn't drop down to the deck at any other time or became slack?

A. No, only that time.

Mr. OLSON.—That's all, reserving, however, the right to cross-examine on that question of distance between Beretania Street and Club Stables.

Cross-examination of R. L. CLARKE on Behalf of  
Inter-Island Steam Navigation Company.

Mr. WARREN.—Q. You said that at the operations on the "Manchuria" they had had this same Miller anchor?     A. Yes, sir.

Q. What is now the Miller anchor, and you called that the chief anchor?     A. Yes.

Q. And then there were four other anchors? How many anchors in all at the "Manchuria" operations?

A. Altogether we had, altogether with the twelve car [1451—617] wheels. We used some car wheels for anchors, too.

Q. That is, aboard the "Manchuria"?     A. Yes.

Q. And you had one big line to the Miller anchor, which is now the Miller anchor which you call the chief anchor, and connected with the chief anchor there were attached to that chief anchor four other anchors. Is that right?

(Testimony of Richard Clarke.)

A. Four other anchors and those car wheel.

Q. Why did you call this Miller anchor the chief anchor? A. That's the first anchor they dropped.

Q. There were no other anchors attached to the Miller anchor, to that anchor?

A. There's some. After we dropped that big anchor over then we go about five or six hundred feet we drop another one.

Q. And where was the line from the second anchor? Where was it attached?

A. Attached to the other wire hawser to that main anchor.

Q. Where attached to it?

A. Attached to that wire. We had just one big wire. There's a main anchor and then the other wire connection on this.

Q. The other anchors were connected with the hawser of the main anchor?

A. The main anchor, yes.

Q. So that there was really only one line came aboard the "Manchuria" from all of those anchors?

A. Yes.

Q. And how many anchors were there attached in that way to your chief anchor?

A. Somewhere around eight or ten anchors. I forget about the time I was out there. I think it's near enough, ten anchors altogether with the car wheels.

Q. Where were these car wheels, on board the "Manchuria"? A. This car wheel?

Q. Yes.



(Testimony of Richard Clarke.)

A. Some on the "Manchuria" from the railroad.  
[1452—618]

Q. Where was the anchor-line attached on the "Manchuria"? A. Attached to the stern.

Q. Up to a cart wheel on the "Manchuria"?

A. They furnished the whole cable to the "Manchuria."

Q. How many anchors were there attached to the chief anchor? Not attached to the "Manchuria" but attached to the main anchor.

A. I think there was four outside of that chief anchor.

Q. That made five on that line?

A. Five, and the car wheel, and that twenty or thirty car wheels.

Q. Car wheels?

A. Cast-iron car wheel. Twenty-four of them. Run a wire right through and connect with the anchor.

Q. Where was that attached?

A. Attached to that same hawser.

Q. So that you had one big hawser running to your chief anchor? A. Yes, one big anchor.

Q. And all the rest of these anchors and the car wheels were attached to the line of the chief anchor?

A. Yes.

Q. I understood you to say there were four anchors attached to the big anchor?

A. Five altogether with the main one; four others and the car wheel be all attached to that main hawser.

Q. Take that arrangement of twenty-four car wheels; how many tons do you think they weighed?

(Testimony of Richard Clarke.)

A. I had no idea.

Q. As near as you could give it?

A. Pretty heavy for two men to lift it.

Q. Well, one ton or ten?

A. I think, as near as I can give it, four or five hundred pounds.

Q. Each wheel four or five hundred pounds?

A. Them big wheels, regular locomotive wheels.

[1453—619]

Q. The other four anchors weighed about five and a half tons each? A. Or more.

Q. How much more?

A. Maybe six tons; something like that as near as I give it. Between five and six.

Q. About the same size as the chief anchor itself? Is that so? A. No, smaller than the other.

Q. A little smaller? A. Yes.

Q. Now, you gave us yesterday from your book, a statement of the total amount of wages paid to the men engaged by Mr. Miller. You gave us a total figure of \$720.30, then later on cross-examination you discovered that you had answered too hurriedly a question as to the number of men engaged and amended, and you changed your figures. That would make a difference in the total, wouldn't it?

A. Yes, I forgot one page. I never gave it.

Q. You skipped a page yesterday, is that it?

A. Yes, I skipped one page; yes.

Q. You think all the rest of your figures are right that you gave yesterday?

A. Except one page. It was over \$900.00 expense.

(Testimony of Richard Clarke.)

Q. Over nine hundred now?

A. Yes. I skipped one page yesterday. Over nine hundred we paid to the men. I don't know about it, Mr. Magoon is taking it down now.

Q. I'd like you to turn to the page in this book that you skipped yesterday? A. 224.45.

Q. What page is it? Are the pages numbered?

A. No, I didn't number it. I give you the right figure now, 224.45.

Q. That makes how many men worked on Monday? [1455—621] A. Twenty-two men paid.

Q. Twenty-two on the page that you skipped?

A. Some of those men didn't show up; next day that they skipped we place a man all the way through.

Q. How do you mean placing a man?

A. Putting a man when one absent. If I absent one man I put a man in that morning.

Q. A new man? A. New man.

Q. Then you have on the first page in this book a statement that there were sixty men on December 6, 10, to 12.

A. That's overtime I want put that for memory.

Q. What does that sixty men mean?

A. I just put it for memory.

Q. What is the meaning of December 6, sixty men?

A. Sixty men working from ten A. M. to 12. 12 noon to 5. From 5 P. M. to 12 at night. 12 o'clock that night to 4 o'clock in the morning.

Q. You gave us thirty-one men yesterday worked three-quarters of a day?

A. That's the whole amount of it. How many men three-quarters of a day?

(Testimony of Richard Clarke.)

Q. Yes, how many men three-quarters of a day?

A. Fifty-four.

Q. Fifty-four men?

A. Fifty-four men three-quarters of a day.

Q. Worked three-quarters of a day on Monday?

A. On Monday and nine men works eight hours' overtime.

Q. Now, what men were they?      A. "Kaimiloa."

Q. Part of the first bunch?

A. That is the first bunch.

Q. These nine men that you have just spoken of as working eight hours overtime, are they part of the fifty-four?

A. They part of the whole bunch I had on Monday.  
[1456—622]

Q. Fifty-four men was the total number of individual men that you had working there on Monday?

A. Yes, I had all those men working on Monday. They all got different times.

Q. There were only fifty-four men altogether there?      A. All I give you, fifty-four.

Q. Now, of those fifty-four, nine of those men worked eight hours overtime?

A. Yes, nine. There is some Japanese, too, in that bunch. I don't know their names.

Q. How many?      A. Three Japs.

Q. That would make fifty-seven?

A. Fifty-seven, and myself is fifty-eight and Weisbarth fifty-nine, and Frank, one of Frank's men helping on the steam launches.

Q. Oh, you're now back to sixty altogether. Of those sixty, twenty-five worked eleven hours over-



(Testimony of Richard Clarke.)

time. That is part of the same men. Did you get new men to work overtime?

A. Some of them went off and some of them stayed with me altogether eleven hours.

Q. Twenty-five out of the sixty worked eleven hours? A. More than that.

Q. And nine of them worked eight hours.

A. Only nine men worked eight hours. All the rest stayed with me.

Q. All the rest of the sixty?

A. The balance of the sixty. Take eight men out of the sixty left me fifty-two.

Q. Now, those fifty-two men worked eleven hours overtime? A. Worked overtime.

Q. You gave yesterday twenty-five men?

A. Twenty-five?

Q. Yes. A. Because I haven't got this book.

Q. These answers that you gave us yesterday were they [1457—623] all given in pretty much of a hurry?

A. You fellows wanted me to give you the figures.

Q. They might be incorrect?

A. I was in a hurry. I got no time to spare so I could tell you.

Q. So you are not sure now that the figures you gave us yesterday are correct? They are not correct, are they? A. No.

Q. What you gave us are incorrect figures?

A. If you fellows give me time to copy all this list down I give you the straight time.

Q. We'll have you do that before leaving the stand,

(Testimony of Richard Clarke.)

but we'll pass on now to some other points. You left on the "Mokolii" when she came in on Tuesday, early Tuesday morning?

A. I was on the "Makee" when the "Mokolii" left.

Q. What's that?

A. I was on the "Makee" when the "Mokolii" left.

Q. She left Monday night?

A. She left there that Monday night.

Q. And the "Makee" left three or four o'clock Tuesday morning?

A. Four o'clock in the morning.

Q. Tuesday morning? A. Tuesday morning.

Q. And you came in on the "Makee"? A. Yes.

Q. And you went over to the Hackfeld wharf?

A. Yes.

Q. Where you discharged the fertilizer you had taken on the "Makee"? A. Yes.

Q. And the figures that you have given us for the men employed on Tuesday were working on the deck on the ship. How many men were working on the ship Tuesday? On the ship?

A. On the "Makee"? [1458—624]

Q. No, on the "Celtic Chief."

A. No, everybody went ashore together with me.

Q. All the Miller's men left the ship on Tuesday morning? A. We all went ashore.

Q. When the "Makee" came in early on Tuesday morning she carried with her all of Miller's remaining men? A. Yes.

Q. So that there were no more of Miller's men on

(Testimony of Richard Clarke.)

the "Celtic Chief" from the time the "Makee" came in until you went out again with the anchor?

A. Until we went out again with the anchor.

Q. And these figures for men working on Tuesday were for men working on board the "Makee" and on the wharf? A. And on the wharf.

Q. Now, where did you get your figures to put in your book for the number of hours each man worked? How did you get that?

A. Well, when the "Kaimiloa" came in I went on and talked to them. I asked those fellows what time they came in, certain hour. I said, "You fellows only get eight hours overtime."

Q. You counted the number of men that came in?

A. I asked Tom Mason so he gave me the number of men.

Q. He gave you a memoranda and you took that memoranda and got your figures from that?

A. Yes.

Q. For this time? A. For this time.

Q. You don't know whether the figures are correct or not? A. Yes.

Q. If there is any error it's as to the number of men on board? A. That is the part he gave me.

Q. That's as to all the men that worked on the "Kaimiloa"? A. On the "Kaimiloa."

Q. And you yourself took the time for the men who came [1459—625] back by the "Makee." How about the men that went ashore on the "Concord" on Monday?

A. I got all of their time together.

Q. Where did you get their time from the time the

(Testimony of Richard Clarke.)

"Concord" left there?

A. I told Moses to get me the time.

Q. You told who?      A. Moses.

Q. Who is he?

A. He's working for Young. He was working with Miller.

Q. Moses who?      A. I don't know his last name.

Q. Who is he, an Hawaiian?      A. Hawaiian.

Q. And he gave you the figures for the "Concord" men?      A. For the "Concord" men.

Q. So you don't know whether these figures are right or not as far as the number of men is concerned?

A. He gave me the nearest he can give me. That's what I took down.

Q. Did you have any talk with him about the number of men on the "Concord"?      A. I asked him.

Q. What did he say?

A. He said I had so and so, so and so.

Q. Did he give you the names of the men?

A. I had all the names was taken down before we went out.

Q. Well, now, how did you enter up the number of hours for each man afterwards?

A. Well, he gave me a slip after he take the men's names down he gave me a slip.

Q. He gave you a slip with the men's names on and the number of hours each had worked?      A. Yes.

Q. And each one of these men was paid according to the number of hours that was credited to him on that slip? [1460—626]      A. Eleven hours.

Q. You saw each of those men paid?



(Testimony of Richard Clarke.)

A. I was down the dock there when they paid all the men.

Q. You took from the lists—

A. Vannatta was taken from the list?

Q. Who?      A. Vanatta.

Q. And what were you doing?

A. I was standing by and called all the names.

Q. You knew all the men?

A. I knew all the men.

Q. All personally?

A. All Hawaiian and few Portuguese.

Q. You'd be able to pick each one out and call his name?      A. Yes.

Q. You didn't see the "Concord" men when they came in?      A. They came ahead.

Q. And by the time you got ashore they were all gone?      A. They was laying around the dock.

Q. But not working?

A. Waiting till we come in.

Q. What was it you were telling us about a line that you tried to get aboard the "Celtic Chief" on Tuesday night?      A. Well?

Q. What line was that?

A. We was going to try get our heaving line on that we got attached to our hawser.

Q. So you got your hawser on board that night. How was that heaving line brought from the "Makee"? Was it passed from the "Makee" to the "Mokolii"?

A. No. Yes, we throw a line to the "Mokolii." They couldn't catch it.

Q. They couldn't catch it on the "Mokolii"?

(Testimony of Richard Clarke.)

A. No, they couldn't catch it.

Q. And the "Mokolii" didn't make any other attempt?

A. No, he got scared. He didn't want to go up against the ship. [1461—627]

Q. That was after the big anchor had been dropped was it?

A. The big anchor wasn't dropped.

Q. The big anchor was not dropped?

A. It was on deck and while it was on deck, when it was on board the "Makee," we gave orders to have a heaving line taken over, thrown to the "Mokolii."

Q. From the "James Makee"?

A. Yes, from the "Makee." Captain Miller sing out to us to throw a heaving line.

Q. Then what else?

A. If we can get a heaving line on the "Mokolii" we can go alongside the "Celtic Chief."

Q. Anything further?

A. We couldn't get the line on board.

Q. What further did he say? What did he intend to do, if you know?

A. I don't know about his intention only what he gave to us an order to throw the heaving line on the "Mokolii."

Q. And then take that to the "Celtic Chief"?

A. If they could.

A. And could they? A. But they didn't.

Q. That's what he wanted to do? A. Yes.

Q. The idea was that if he got that line on the "Celtic Chief" then they would be able to pull your cable on?

(Testimony of Richard Clarke.)

A. I think so, yes, because one end of the heaving line was attached to the hawser.

Q. Then, if Captain Miller could have got that heaving line on board he was expecting to pull the hawser on board the "Celtic Chief" that night?

A. I think so. I have no idea about it.

Q. What words did he use, as nearly as you can remember?

A. I can't hear him because he was up on the cabin. I was down on the hatch.

Q. How do you know what he wanted? [1462—628]

A. He sung out aloud, "Take this line aboard the "Mokolii."

Q. What orders did he give the "Mokolii"?

A. The "Mokolii" can't get that line; when we throw it they can't grap it.

Q. How do you know they could take that heaving line to the "Celtic Chief"?

A. If they got it to the "Mokolii" they run it on to the "Celtic Chief."

Q. How do you know that?

A. That's what I thought they was thinking.

Q. Why do you think so? Because of something Captain Miller said?

A. He said, "Take this line aboard the 'Celtic Chief.' "

Q. He said, "Take this line aboard the 'Celtic Chief,' " did he? A. Yes.

Q. Then when did he drop the anchor? When did you drop the big anchor from the "Makee"?

A. In the morning.

(Testimony of Richard Clarke.)

Q. Did you drop it from the "Makee" that night?

A. No, sir, we dropped the small anchor.

Q. You didn't drop the big anchor at all Tuesday night?

A. Never dropped the big anchor, dropped the small anchor.

Q. Kept it right on the main hatch of the "Makee" all night?      A. All night.

Q. And then in the morning did you pull up your little "Makee" anchor?

A. Well, early in the morning we hoist up the anchor.

Q. And that's the anchor you hauled up?

A. Own anchor.

Q. A very much smaller anchor?

A. Smaller anchor.

Q. Then you did what?

A. Run right back of the stern of the "Celtic Chief,"

Q. What course did you take in the water to run out that way?

A. I didn't take no notice. [1463—629]

Q. Did you go behind the "Helene" or around the buoy?

A. We went right off the bow of the "Helene."

Q. How about the "Likelike," was she there?

A. I think I saw her out there.

Q. You think you saw her out there?      A. Yes.

Q. You went around the bow of the "Mikahala" and came between the "Helene" and what other boat?      A. The "Intrepid."

Q. And then you did what?



(Testimony of Richard Clarke.)

A. Captain Miller gave the order to Weisbarth to lower that anchor and take aboard the "Celtic Chief."

Q. You didn't take the line on the "Celtic Chief" yourself?

A. I took the heaving line with me and the snatch tackle, snatch block.

Q. And you went ahead to rig up the strapping from the foremast to the bitts?

A. No, I went aboard and take in the heaving line from the starboard quarters of the "Celtic Chief."

Q. You took it from the quarter chock?

A. From the stern.

Q. And what time was the strapping rigged between the foremast and the bitts to which you afterwards attached your main tackle?

A. Don't have no idea about the time, sir.

Q. Well, was it Tuesday night or Wednesday morning? A. Was Wednesday morning.

Q. When you came aboard Wednesday morning had that strap been on or was it put on after you got there? A. After we got there.

Q. Who did it? A. Tom Mason.

Q. Tom Mason did that?

A. And Weisbarth and some other boys.

Q. What were you doing while that was being done? [1464—630]

A. I was on the poop to take in the slack of the hawser with my snatch block.

Q. As far as you know, did the "Mokolii" go alongside the "Celtic Chief" on Tuesday night?

A. I have no idea about it.

(Testimony of Richard Clarke.)

Q. She may have? A. She might; might not.

Q. Where was Captain Miller? On board the "Mokolii" or the "Makee," Tuesday night?

A. Tuesday night he was on the "Makee," before we had our lunch; that is, twelve o'clock.

Q. When he gave those orders about the heaving line, he was on the "Makee"? When he gave his order for that heaving line to be thrown over and taken to the "Celtic Chief," he was on the "Makee"?

A. Yes.

Q. Do you know whether he afterwards went aboard the "Mokolii"? A. I don't know.

Q. Do you know where he spent the night? On which boat?

A. Because I went to sleep at eight o'clock that night.

Q. Where was Captain Miller in the morning when you woke up? A. He was up in his cabin.

Q. On the "Makee"? A. On the "Makee."

Q. Was the "Mauna Kea" out in the vicinity of the "Celtic Chief" on Monday morning when you went there?

A. Yes, she was out there on Monday morning. I made a mistake by saying Wednesday. When I went home I wake up all night and think over because I was there working and whether I am right.

Q. Since yesterday you have thought over your testimony as to the "Mauna Kea" and you are sure now she was there Monday morning. Do you know, can you say whether she was there Wednesday morning?

(Testimony of Richard Clarke.)

A. I have no idea about Wednesday morning. Only Monday.

Q. You are sure of Monday? A. Monday.

Q. Was it Monday morning that she broke her hawser?

A. It was Monday morning when I was tending the [1465—631] gang all passing the cargo to "Concord," passing the fertilizer and the boy say, "There goes the rope—gone to hell!"

Q. That's the first you knew of her breaking her line? A. Yes.

Q. You were not looking at her?

A. I didn't pay much attention or looking.

Q. You didn't see how she's pulling?

A. Only what I hear the crack.

Q. That same time somebody said, "There goes her hawser"? A. Yes.

Q. Then when you looked what did you see?

A. I saw part of this rope. I saw the two quarters on the port side. I saw those stanchions all tored.

Q. What tore them away?

A. When the "Mauna Kea" made that jump.

Q. The rope falling back?

A. I don't know. When I heard the crack I look.

Q. Where did you hear the crack?

A. On the "Celtic Chief."

Q. What was this crack, the breaking of the hawser or the breaking of the bitts and chocks on the "Celtic Chief"?

A. When the rope carried away it's bound to make a noise in the same minute.

(Testimony of Richard Clarke.)

Q. The cracking that you heard was that the breaking of the "Celtic Chief" bitts?

A. The bitt or else the rope, one of the two. When I looked at it it's gone overboard, the railing and the stanchion.

Q. Do you know how the "Mauna Kea" line was fastened to the "Celtic Chief"? A. No, sir.

Q. You don't know whether the "Mauna Kea" pulling back jerked it and broke it or whether the "Mauna Kea" pulled it out? A. I have no idea.

Q. And you don't know how the "Mauna Kea" was moving when you heard the line break, do you? Now, what did the "Mauna [1466—632] Kea" do then when the line broke?

A. I think she came right back.

Q. Connected up again?

A. I think she came right back in the dock.

Q. Didn't stop to connect up again?

A. I don't think so. I have no idea. I had the men all the time to watch because you got to watch them fellows or they loaf on you.

Q. Do you know how the "Mauna Kea" was after the line broke? A. I don't pay any attention.

Q. You saw her before the line broke?

A. Before the line broke.

Q. Do you know if you saw her after the line broke? A. As I understand he came right back.

Q. You understood that she went back into the harbor?

A. The way how she came by like this, I thought she was going off so I look all the time to the boys.

Q. You don't remember whether you saw the



(Testimony of Richard Clarke.)

“Mauna Kea” again after that?

A. I didn't take no notice.

Q. That was Monday morning?

A. Monday morning.

Q. About what time Monday?

A. Between eight and ten; something like it.

Q. You don't think it was possibly later than ten o'clock? A. Might be later than that.

Q. Might be eleven or half-past eleven?

A. Might be twelve.

Q. Anyway it was the forenoon of Monday?

A. The forenoon.

Q. Was she out there Monday afternoon?

A. I don't think; got no idea about it.

Q. No idea? A. No.

Q. Do you think if she had been there you would have noticed her? A. Sir?

Q. If she had been do you think she was noticeable to you? [1467—633]

A. I might *no* because I was pretty busy with my work.

Q. As a matter of fact, you don't know how many steamers there were out there?

A. There was a few steamers out there.

Q. Two on Monday?

A. No, I think four or five.

Q. Have you any idea what vessels they were?

A. I saw the “Helene,” and I think the “Like-like” came out there too.

Q. The “Helene” was there on Monday?

A. I think so.

Q. You what?

(Testimony of Richard Clarke.)

A. I think she was out there or else she takes the place of the "Likelike."

Q. Or else she took the place of the "Likelike" you say?

A. Yes. I seen some steamer laying that way out there but I don't take notice which one it is.

Q. Four or five on Monday?

A. Four or five, more or less, was laying out there.

Q. When you came in on Tuesday morning, four or five—was it light enough to see or did you notice at all? A. I didn't take no notice.

Q. You didn't notice how many steamers were there when you came in? A. No.

Q. Paid no attention?

A. No, I didn't pay no attention.

Q. Do you know how many steamers were there when you got back with the "Makee"?

A. When I went back there Tuesday night I saw George Fern, that's a man, and I saw the "Helene" and I asked George, "Who is that steamer out there?" and he said the "Helene."

Q. Do you know what other boats were there?

A. No, I didn't take no notice of the "Mikahala."

Q. The "Mikahala" was there?

A. "Mikahala."

Q. "Likelike"?

A. "Likelike"? I didn't take [1468—634] notice; only two boats, because I was talking with one one of the mates.

Q. Only two boats?

A. Only two boats that I see of the Inter-Island because I see two mates.

(Testimony of Richard Clarke.)

Q. There may have been other Inter-Island boats there but you didn't notice them?

A. I didn't take no notice.

Q. Wednesday morning, do you know how many Inter-Island steamers were there?

A. No, I had no idea.

Q. You say Wednesday you don't know really how many steamers were there?

A. I think I saw two. That's all I know.

Q. I don't mean Inter-Island steamers, but steamers altogether?

A. Oh! In the morning, Wednesday morning the tugboat was out there.

Q. The "Intrepid"?

A. The "Intrepid," and some of the Inter-Island boats was there. You know the "Mikahala" on the makai side, I didn't take notice because the "Mikahala" lines come down the hatch.

Q. Was the "Intrepid" there Monday morning?

A. I have no idea.

Q. You don't know if the "Intrepid" was there?

A. I never pay attention if the tugboat comes.

Q. You didn't notice whether the "Intrepid" was there Tuesday night when you went out with the anchor?

A. Tuesday night?

Q. Yes.

A. Tuesday night she was out there.

Q. You noticed her there?

A. Because Harry —— sing out to me if I bring some bottle booze; that's how I know she was out there.

Q. He was aboard the "Intrepid"?

(Testimony of Richard Clarke.)

A. "Intrepid."

Q. He was the ——?

A. No, he was the captain.

Q. Captain?

A. Captain or mate. [1469—635]

Q. Do you know whether or not the "Intrepid" was pulling then?

A. That's very hard for me to tell you because I ain't on that boat to tell what strain they pulling. You see, the line was up and down in the water. I don't know what force they got.

Q. Her line was rising and falling? A. Yes.

Q. Come up out of the water? A. Sometimes.

Q. And was it out of the water less than it was in the water or how?

A. Well, coming up and down; can't take no regular time.

Q. From your observation, what would make it come up and down? A. Might be the current.

Q. Might be the swell? A. Swell.

Q. But the "Intrepid" had her line taut at times.

A. She had this line taut on the ship.

Q. And it would come up out of the water?

A. Sometime out of the water, sometime down in the water.

Q. How long did it stay down when it would go down? A. It didn't take no time.

Q. Was it more down than up?

A. Sometime it stay quarter of an hour down, half an hour.

Q. How long up?

A. Sometimes stays up five minutes, ten minutes,



(Testimony of Richard Clarke.)

something like that.

Q. Goes up and down? A. Yes.

Q. What time on Wednesday did you get the Miller line taut?

A. I think sometime before forenoon.

Q. In the forenoon? A. Forenoon.

Q. About how long before twelve o'clock.

A. Of course, I'm busy out there, didn't going and watching what time.

Q. Are you sure you got it taut in the forenoon?

A. Either forenoon or afternoon, between those times.

Q. As nearly as you can, what time of day? [1470—636]

A. We got it up in the daytime, not in the night.

Q. It might have been two o'clock?

A. Might be, two, three, four, or five.

Q. Before you got the Miller taut line the first time?

A. The first time can't time, the regular time; we were too busy.

Q. Was it before or after you had your meal on Wednesday?

A. We never had no meal until about four o'clock that afternoon.

Q. Four o'clock?

A. Four o'clock I told the boys, "You feel hungry; you get your meal."

Q. Did you stop to eat?

A. Some of them. We got her hauled taut, then we fleet our tackle on to the hawser which I had the

(Testimony of Richard Clarke.)

boy put on the stopper on the hawser way up on the poop.

Q. It was about four o'clock before anybody had anything to eat? A. About four o'clock.

Q. And you didn't stop to eat before you got that hawser taut? A. No.

Q. Never stopped to eat until you got that hawser taut? A. We got it taut.

Q. And that was about four o'clock?

A. Four or three, sometime between noon and afternoon.

Q. Why did you say you didn't get anything to eat until about four o'clock?

A. When it was finished, all the strap. Takes time to make those straps.

Q. You kept right at your work?

A. Tom and those two fellows, Weisbarth and couple boys with him and I was with Frank working.

Q. Everybody kept right on?

A. Everybody was working.

Q. Never stopped to rest?

A. Only Captain Miller here and there.

Q. And you are quite sure it was four o'clock before anybody [1471—637] went to have anything to eat? A. Before we had our *kaukau*.

Q. What was the name of the man you had on the poop? A. Kakai Ekau.

Q. Did you have any other men there who were, in any way, in charge of small gangs? You had Captain Weisbarth, Tom Mason and yourself. You three were generally in charge of the work. Did

(Testimony of Richard Clarke.)

you have any other under-bosses in charge of smaller gangs?

A. The boys were all on the capstan with a foreman, Henry.

Q. Henry who?

A. His name is Henry. Number Four Henry, Henry Kauai.

Q. What was he doing?

A. He was foreman there taking in the —— of the windlass.

Q. Was he in charge of any small gang?

A. He was authority of the boys. I told him, "You better watch this line all the time; take in the slack."

Q. Take in slack?

A. He was sitting down and take in the slack and sometime he watch all the boys.

Q. Taking in the slack on your big cable?

A. On my purchase, because my purchase runs right up to the windlass.

Q. Windlass up to the bow?

A. Yes, and Henry No. 4 was taking in the slack.

Q. As it came away from the windlass?

A. As it came away from the purchase to the windlass, that's the slack he takes down.

Q. He didn't have any more than one man to help him on that?

A. He had one of those men on the bar. He got about seven turn; how many men were heaving.

Q. And about how many men were working?

A. Generally have some extra men.

Q. What's your business now?

(Testimony of Richard Clarke.)

A. I'm driving hack now. '[1472—638]

Q. How long have you been driving a hack?

A. I've been driving since last August. One year now. I take and retire from stevedore because I had some trouble with my stomach working night and day, night and day two months.

Q. But you've never been a sailor?

A. Never been a sailor.

Q. And your experience with splicing and rigging a tackle has been confined to the "Manchuria"?

A. Well, little splicing with Bill Larsen.

Q. Did you do any splicing on the Celtic Chief"?

A. No.

Q. There was no occasion for doing any splicing there? A. No, I never have no splicing there.

Q. You saw this various tackle and rigging on board the "Celtic Chief" for the Miller line?

A. Yes.

Q. You had a hawser attached to your steel cable?

A. Yes.

Q. And it was to that hawser that you attached your first main block? A. Main block.

Q. And the other block on that tackle was shackled to the strapping up by the foremast? A. Yes.

Q. Now, when the main block on that first tackle was attached to the hawser of the Miller line, what part of the deck was that work done on? Was it up on the poop or down on the main deck?

A. Down on the main deck.

Q. Down on the main deck? A. Yes.

Q. And how far from the break of the poop?

A. Well, pretty far from the poop break and the after-poop break.



(Testimony of Richard Clarke.)

Q. What's that? A. Pretty far *aspacke*.

Q. You had that hawser come over the stern of the vessel, down to the poop deck, down to the main deck and that's where you shackled the block to the hawser? A. Yes. [1473—639]

Q. Now, about how many feet do you think it was from that spot back to the hatch where the other block was shackled by the foremast?

A. I think about half the length of the ship or three-quarter length.

Q. Half or three-quarter length of the ship?

A. Ship.

Q. Do you know how long the ship was?

A. No, sir.

Q. Well, can you give us approximately, in feet, how long you think that distance was between those blocks?

A. Well, quite a little distance from here.

Q. Longer than the length of this room?

A. Longer than this room.

Q. Twice as long?

A. Might only a half or twice.

Q. You don't think it would be more than twice?

A. I don't think so. If the ship is here I can easily measure and tell you. I don't know how long.

Q. I want it as near as you can give it to me.

A. Maybe two rooms.

Q. You don't think it would be more than that?

A. I can't tell you to to-day.

Q. It might be a little more?

A. Might be a little more, might a little less.

Q. Not a great deal more?

(Testimony of Richard Clarke.)

A. I don't know. I can't tell you that. Might be a little longer.

Q. Well, at this spot on the main deck where you lashed that block to the main hawser, how near was that to the mizzenmast?

A. Call the mainmast is the mizzenmast.

Q. Do you know what the mizzenmast on a ship is?

A. No.

Q. You don't know whether that's the middle mast or the foremast? A. The foremast, I know.

Q. Do you know what the second mast is called?  
[1474—640]

A. Call it the mainmast, right next to the foremast. I never been to the sea.

Q. How near to the end mast was that spot where you shackled the block on to the hawser, the mast nearest the stern of the vessel?

A. The aftermast is the break of the poop.

Q. That's right close to the break of the poop?

A. Yes.

Q. The aftermast comes right up along with the break of the poop and goes right at the edge. How did you pass it?

A. I think right in front of the poop. Right in front there, a small capstan. There's a small capstan.

Q. Was it right up with the capstan that you did that work? A. Right where the capstan was.

Q. Were you using that capstan?

A. We never used it.

Q. Were you forward of that capstan?

A. We was right near to it.

(Testimony of Richard Clarke.)

Q. Just about opposite to it?

A. Right abreast.

Q. Then you began taking in slack on the hawser with that first block and tackle? A. Yes.

Q. And you got that as taut as you could and you put on the second tackle? A. Yes.

Q. Well, now, how far forward did that main block move from the spot where you fastened it on until you got ready to put on the second tackle? About how far along the deck did that block travel?

A. As near as I can tell, travelled near the after end of the coaming of the hatch.

Q. About how many feet?

A. I have no idea about that.

Q. Well, as near as you can give it? Six feet or ten or twenty.

A. Somewhere around sixteen feet or twenty feet.

[1475—641]

Q. Sixteen or twenty feet? A. Yes.

Q. Might have been more?

A. Might be more or less because it's right abreast of that windlass we had and to the coaming of the hatch.

Q. And then you ran your first tackle, put a stopper on it? A. Yes.

Q. Then you put on the block for the second tackle? A. Yes.

Q. Then you worked that taut? A. Yes.

Q. How much further did that main block travel by heaving the second block taut?

A. We hauled the second block taut and we put in the third one.

(Testimony of Richard Clarke.)

Q. How far did that block travel?

A. That didn't travel. We had them all one time.

Q. First you got one taut?

A. Then we put the second on. We made that taut and we put on the third one.

Q. Before you put on that one how far did that block travel while you were working the second one taut? A. The main one didn't move at all.

Q. After you put the second one on, you worked that taut, did you? A. Yes.

Q. And after hauling that taut, how far did that main block move then?

A. Well, I put that one, that traveled the first one and we hitched on the other one, haul it taut and take in the third one.

Q. Didn't that block travel at all while you were making the other taut?

A. We stoppered it that time and put on the third one.

Q. You put on the second and third right at the same time? A. After we got them all taut.

Q. And the hauling taut of the second block and tackle didn't make that big block, main block travel on the deck?

A. It didn't travel that time. We put on the other [1746—642] one so it be easier for those three to work.

Q. How many times did you fleet the second tackle? A. Twice.

Q. And how many times did you fleet the third tackle?

A. I think we fleet them the same time, twice.



(Testimony of Richard Clarke.)

Q. Twice? Didn't fleet the third tackle more than twice? A. What's that?

Q. Not more than twice for the third tackle?

A. I think we fleet them twice.

Q. Only twice? A. Just twice.

Q. What was the size of the rope in the main tackle, the first?

A. The size of the main tackle we had, seven and a half or eight inches rope.

Q. Seven and a half or eight?

A. Eight-inch, something like that.

Q. You're not sure?

A. I ain't quite sure.

Q. What was the size of the rope in the second tackle?

A. Little smaller than the first. Somewhere around four and a half.

Q. And the third?

A. Third one was little smaller than the second one. I think about three and a half or three, something like that.

Q. Pretty good-sized blocks, weren't they, on the main tackles?

A. Pretty good; brand new tackle.

Q. How long were those blocks?

A. Pretty heavy.

Q. Eighteen inches across?

A. Something like that. Eighteen or twenty inches; I didn't take no measure. I see the block, that's good block.

Q. Did you lift them? A. Yes.

Q. The block alone?

(Testimony of Richard Clarke.)

A. The block alone. It's heavy.

Q. How much do you think it weighed? [1477—643]

A. As near as I give about one hundred and fifty or one hundred and twenty-five pounds each of the two main blocks.

Q. How many times did the line go through that main block? A. Three times.

Q. And the block of the second tackle, how many times? A. Three.

Q. And the block of the third tackle?

A. Three.

Q. Now, when you fleet what would that do? Say your third tackle, that is when the blocks of the third tackle were drawn together, then you'd lash the second tackle and take off the or loosen the first on and carry the block forward again and you carry the block aft again?

A. After you carry aft one block and carry one forward when you're fleeing. When you're fleeing two, when you got two blocks you put the stopper on the main one and the second right where your hawser is so as to fleet out your number three block.

Q. There's one of your number three blocks attached to the line?

A. One block working; yes.

Q. So when you fledted you'd take one block and carry it away from the other block aft so you could attach it to the fall of the second? A. Yes.

Q. How many men did it take to carry that block from the lashing back to where you wanted to attach it to the fall gain?

(Testimony of Richard Clarke.)

A. There is lot of men there pulling in the slack.

Q. Eight or ten men around there pulling on the block?

A. Pulling on the block and overhauling the ropes.

Q. That's right. You would have a man to handle each rope, each man would take a rope and run it right through the block.

Q. One man couldn't do it alone?

A. No, pretty hard job for him.

Q. Take about how many men really to do that job, to fleet [1478—644] the tackle?

A. I had some men there.

Q. How many men?

A. I think it was six or seven men.

Q. How many?

A. I had no idea about how many men could do it.

Q. I mean working on that small job. Two men or six or ten?

A. Somewhere around there, six or seven, eight or ten.

Q. But it would take that many to fleet each tackle.

A. Some fleet the tackle and some handle the stopper.

Q. When it came to fleet the second tackle it took the same men still? A. It was the same men.

Q. That was a heavier block and tackle?

A. Heavy tackle.

Q. How were the blocks on the main tackle, anything near the size of the first block?

A. Pretty near the same.

Q. Would you say that the main block on the haw-

(Testimony of Richard Clarke.)

ser was twice as big as your block on the third tackle? A. They all big blocks.

Q. There wasn't much difference in their size?

A. Very little. If you bring them out you see. Of course, I didn't take notice, straight up the block and keep in memory. I seen the block down there and I helped them fleet.

Q. Wednesday evening, you say you took sights every twenty or twenty-five minutes? A. Yes.

Q. To see if the "Celtic Chief" were moving?

A. Yes.

Q. Was that before or after the first bump, first jump? A. Before the jump.

Q. Before the first jump.

Q. You took sights right along?

A. After dark. Can't take them in the daylight.

Q. Did you take them after it was dark? [1479—645] A. Yes.

Q. By range lights? A. Range lights.

Q. And all your sights were taken before the first jump? A. Before the first jump.

Q. After the first jump, did you ever take any sights?

A. I and the mate of the "Mikahala" took another sight. I don't know his name. He's a solemn fellow.

Q. What sight did you take?

A. He took a sight from Punchbowl, by lights from Punchbowl.

Q. You took them with him?

A. I took mine from this side of Punchbowl. Waikiki side.



(Testimony of Richard Clarke.)

Q. How many times would you do that?

A. Pretty good.

Q. That was before the jump?

A. Before the jump.

Q. After the first jump you say you and the "Mikahala" mate took another sight?

A. Another one.

Q. But you took it on the same light?

A. My light was out of sight so I took up another stanchion to get another light.

Q. You tried to get your own sight and could not?

A. Couldn't.

Q. Did you go back afterwards to see if there was any moving from that other sight?

A. Every spare time I had.

Q. That was after the first jump?

A. Before the first jump.

Q. You didn't take any sights at all after the first jump?

A. After the first jump that way I missed my first sight so I walked around, walked around, chew the rag with the mate and he had his sight, so I said, "I'm going take my light here."

Q. You went to look and couldn't find your sight?

A. I lost my sight.

Q. Did you take any more?

A. I took afterwards. [1480—646]

Q. How many times?

A. I went there four or five times.

Q. After the first jump?

A. After the first jump, the second time.

Q. What did you observe between those times?

(Testimony of Richard Clarke.)

A. I had the intention to see if she is going on or not.

Q. Did you notice any difference?

A. After the first jump I saw the difference?

Q. But after that you didn't see any difference?

A. After the second jump.

Q. Between the first jump and the second jump you didn't have any difference in the sights?

A. I lost my first sight so I took my other sight.

Q. How many times did you take that other one?

A. I think it was three, four, or five.

Q. Did you notice any difference?

A. I went there to see my second light.

Q. Still on it?      A. Still on it.

Q. So the ship hadn't moved?

A. Till the second jump.

Q. She was still from the first to the second jump?

A. Yes.

Q. By your lights?      A. By my lights.

Q. That was your second sight of range lights.

Recess.

Q. Mr. Clarke, have you checked over your figures in your time book?

A. I got them all down in my time book.

Q. Can you give us now the correct figures for the number of men who worked for Miller? How many hours each?      A. I left the book here with Magoon.

Q. Have you attempted to figure out these to get these [1481—647] figures?

A. I have the memorandum in the book. I had the book on that table.

Q. You turned it over to Mr. Magoon?      A. Yes.

(Testimony of Richard Clarke.)

Q. And you expect he is working at those figures?

A. He had it in his hand.

Q. Then Mr. Magoon is working that out, not you?

A. Because I gave him the book. He asked me the book.

Mr. WARREN.—I think we ought to have the book.

Mr. WEAVER.—I don't know anything about the book.

The COURT.—The book is not here; we'll have to pass it.

Mr. WARREN.—Then I'd like to have the witness instructed by the Court to get these figures himself from the book and not have his attorney work out these figures.

The COURT.—That's a mere matter of book-keeping.

Q. When the "Celtic Chief" made the first jump, I understand you said you went down in to the cabin where Captain Miller was, to tell him?

A. I went right up to the skylight and called down.

Q. What did you holler down?

A. I called to Miller.

Q. Who else was with him in the cabin?

A. Captain Haglund, and who's that pilot's name.

Mr. OLSON.—Macauley?

A. Macaulay.

Q. Captain Haglund? You are sure about Captain Haglund?

A. I saw them down there having their lunch.

Q. The captain of the ship?

A. The captain of the ship.

(Testimony of Richard Clarke.)

Q. Anybody else?      A. That's all I know.

Q. They were at the table eating lunch?

A. Either drinking or eating.

Q. Could you see them?

A. Could see the head, but I don't put my head inside.

Q. You saw their heads all at one time? [1482—648]

A. I saw their heads and I sing out to Captain Miller.

Q. Captain Miller came out?      A. Come out.

Q. Did any of the others come out?

A. I didn't take notice.

Q. You don't know whether Captain Macaulay came out?      A. I didn't take no notice.

Q. You went right back?      A. Yes.

Q. Captain Miller was the only one came out?

A. He came, as far as I know.

Q. You are sure Captain Haglund was down there?      A. The bunch was down there.

Q. I'm asking about Captain Haglund. Will you swear that he was down in the cabin?

A. That's my intention, because I saw that bunch was down there.

Q. You didn't look to see whether he was down there? Did you recognize anybody at all down there?      A. I saw some heads.

Q. You don't know whose heads?

A. I can't go down and look.

Q. From where you were looking, did you recognize any particular person?

A. I saw some persons.



(Testimony of Richard Clarke.)

Q. Answer the question.

A. I can't tell the particular person I know.

Q. You are not prepared to say that Captain Haglund was down there, are you?

A. Might be down there.

Q. He might have been on the poop or anywhere else on the ship, as far as you know?

A. Might be Haglund down there because I didn't see him.

Q. You didn't see him in the cabin?

A. I saw a bunch down there.

Q. Did you see Captain Haglund?

A. Only I just saw their heads on top. I can't tell who it was when I sing out to Captain Miller.

The COURT.—Why did you mention Captain Haglund's name? [1483—649]

A. Because I always saw that bunch together.

Q. You really don't know, do you?

A. I made up my mind it was him too.

Q. What was it you hollered down the cabin? What words did you use?

A. I sing out, "Captain Miller."

Q. Just called out, "Captain Miller"? A. Yes.

Q. By name? A. Yes.

Q. Didn't tell him anything?

A. Didn't tell him that time on the poop. When we came out the main deck he sing out to me.

Q. You didn't have any conversation with him until he came out? A. Until he came out.

Q. You didn't tell him the ship was coming off until he came out. You simply called him then he came down where you were to see what you wanted?

(Testimony of Richard Clarke.)

A. Yes.

Q. Did he ask what you wanted? A. He did.

Q. What did you tell him?

A. I told him, I think, "The ship is coming out now."

Q. That's the first time you told him? A. Yes.

Q. You didn't say anything about the ship coming out when you sung out at the skylight?

A. Not at the skylight.

Q. That was the time, down on the main deck, after he came out, that he told you to shut up?

A. Yes.

Q. Then, on direct examination, when you said you called to Captain Miller, "She's coming," you didn't mean you called that down the skylight?

A. No, sir.

Q. Did you call it loud or did you say that quietly.

A. I talked like I am talking to you.

Q. Was he close to you? [1484—650]

A. Close to me, like this gentleman right here.

Q. Few feet away? A. Yes.

Q. You've said that the "Arcona" was about as far as from—I mean the "Celtic Chief" was about as far from the "Arcona" as the distance between Beretania Street and the Club Stables. Do you remember that? A. Yes, sir.

Q. Now, at what time was she that far? Were those vessels that far apart? Before or after the "Celtic Chief" came off? A. Before.

Q. Before? A. Yes.

Q. That is while the "Celtic Chief" was aground?

A. Was aground on the rock.

(Testimony of Richard Clarke.)

Q. After she came off she got closer than that, did she?     A. Yes.

Q. How much closer?     A. It ain't much closer.

Q. What?     A. It ain't very close to her.

Q. It ain't very close to what?

A. To "Arcona."

Q. Well, how close?

A. Oh, from Beretania to—what you call this lane down here?

The COURT.—Chaplain?

Mr. WARREN.—Chaplain Lane.

A. When she came off on the fly?

Q. Yes; how far did she move?

A. The firework sent up then I got right down and hurry on my block so I don't pay no attention.

Q. So you really don't know?

A. Only I saw the light.

Q. Did the "Celtic Chief" come off the reef and as soon as these lights went out stop moving?

A. When them lights went out she went on.

Q. How far did she go? When the "Arcona" began pulling how far did she come?

A. About a ship-length.

Q. The "Celtic Chief" moved about her own length off the reef?

A. When she passed that [1485—651] second jump and she commenced to go out.

Q. And she went out in what direction? Toward what vessel?

A. Toward the "Arcona" because the "Arcona" behind her.

Q. And how far did she go toward the "Arcona"?

(Testimony of Richard Clarke.)

from the place she was aground?

A. I got no judgment about that.

Q. You gave us a judgment that she was about as far as from Beretania.

A. The "Arcona" started off to pull on her.

Q. When did the "Arcona" start off?

A. When them fire-rockets went up.

Q. Where was the "Celtic Chief" then, how far from the "Arcona"?

A. She was coming out slowly.

Q. Slowly?

A. Slowly. When she passed that second jump, I think she came off on a jump.

Q. How near did the "Celtic Chief" approach the "Arcona" when she came off the reef? How much distance between them?

A. Well, I got no judgment about that. I never look how close they are.

Q. When you said that the distance was from Beretania Street to the Club Stables, you didn't mean that was the distance while she was off?

A. While they pulling.

Q. And while the ship was on the reef?

A. Yes.

Q. Now, can you tell us how much closer she came to the "Arcona" when she came off of the reef? Didn't she rush out? A. She came out.

Q. Approached the "Arcona"? Did the "Arcona" go half the distance from the place she was ashore to the "Arcona"?

A. I think about that long.

Q. So that would be about half the distance from



(Testimony of Richard Clarke.)

Beretania Street to the Club Stables?

A. Yes, that's the same length, I told you, the corner of the lane and Beretania.

Q. You mean the little lane by the Park Theater or by the Club Stables?

A. No, no; that's Pauahi [1486—652] Street.

Q. Then you mean that the "Celtic Chief" approached the "Arcona" and came within a distance equal to Beretania Street down to—

A. Garden Lane.

Q. Garden Lane, down by the Park Theatre? She came that close? A. Came that close.

Q. After she came off?

A. Yes, after she came off.

Q. You can't approximate that distance in feet, can you? A. No.

Q. Have you any idea how far it is from Beretania Street to the Club Stables in feet?

A. No, I haven't got no judgment about it.

Q. Haven't you got any idea at all?

A. I guess five hundred, five hundred and fifty, or six hundred.

Q. What is your guess for the distance from Beretania Street to Garden Lane?

A. About three hundred feet or less or more.

Q. As near as you can fix it, you say three hundred would be your guess; is that right?

A. I think little more than 300.

Q. How much more?

A. Somewhere around 350.

Q. Are you sure you fleeted the second tackle twice? A. The second tackle? Yes.

(Testimony of Richard Clarke.)

Q. And the third tackle, not more than twice?

A. Well, we fleet him twice.

Q. Not three times? A. Only two times.

Q. Not six times either? A. Only two times.

Q. When you pulled your third tackle sufficiently to draw the two blocks together, how far would that move the blocks on the second tackle?

A. The main tackle, you mean?

Q. I'll withdraw that and put it in a different way. Assuming the distance between the blocks on the tackle to be two hundred feet and that you pulled the line on your first tackle so that the blocks came together, how far would that [1487—653] move the blocks on the second tackle?

A. You might, well, draw it out and easily tell.

Q. Can you draw it out? A. I think so.

Q. Will you do that?

(Witness draws on paper.)

Q. Now, Mr. Clarke, you have drawn on this paper as nearly as you can recollect, the location of the bitt and the fore mast between which the strap was rigged and the first, second, and third tackles as they were connected with each other and the connection of the block on the main tackle with the anchor cable and the way the lines ran from between the tackles and from the third tackle to the capstan. This is correct, as you remember it?

(Witness shakes his head to indicate, "Yes.")

Q. I'd like, at this time, to offer this diagram in evidence.

The COURT.—It may be received.

(Testimony of Richard Clarke.)

(Diagram received in evidence and marked Libellant's Exhibit "C.")

Mr. WARREN.—I'd like to have it on the record that such exhibits as are offered by me are on behalf of both my clients, Inter-Island Steam Navigation Co. and Matson Navigation Co.

The COURT.—So ordered.

Q. Referring to this diagram that you have made, Mr. Clarke, I'll ask you now—

Mr. OLSON.—What's that marked?

Mr. WARREN.—Libellant's Exhibit "C." Assuming the distance between the main blocks, of the blocks of the main tackle, to be two hundred feet, I'll ask you now if the blocks on the third tackle as shown here are drawn together by heaving on the pulley from the capstan, how far would that operate to move the block on the second tackle?

A. Second tackle?

Q. Second tackle. Approximately what proportion of the distance? A. Oh, about fourteen feet.

Q. You say about fourteen or fifteen feet? [1488—654] A. Fourteen or fifteen.

Q. Do you understand the principle of tackles of this sort?

A. I understand when they had anything to rig up.

Q. Then I'll ask you if you want to move the block on the second tackle one foot, how many feet do you have to move the block on the third tackle to do it?

A. Might come at about two feet.

Q. There are three lines in each of these blocks?

A. Yes.

Q. That is, three wheels in each pulley?

(Testimony of Richard Clarke.)

A. Yes.

Q. Sheeves in each pulley, each block. And you think if you move the block of the third tackle two feet it will move the block of the second tackle one foot? A. One foot or less.

Q. How much less? If you draw the blocks on the third tackle from two hundred feet apart to one hundred feet apart, how much would that move the block of the second tackle?

A. Might come to fifty feet.

Q. It would move the second tackle fifty feet?

A. Because we got an equal feet we remove on the main tackle.

Q. What?

A. Remove this way, about fifty feet on the main tackle, then it will gain twenty-five, there'll be a gain of thirty-five or forty feet.

Q. If you move the main tackle fifty feet?

A. The second tackle will move little more.

Q. How much more will the second tackle move?

A. Might move four or five feet.

Q. And the third tackle how much more?

A. Keep counting all the time. We had two feet.

Q. Isn't it a fact that if you move that tackle on this line, if you move the blocks on the main tackle ten feet that will move the blocks on the second tackle thirty feet and the blocks on the third tackle ninety feet? Is that right? [1489—655]

A. I think so because I didn't study on pulling. These three tackles we had we had to shift it twice.

Q. And you are sure of that?

A. I am sure of that because I shift it twice.



(Testimony of Richard Clarke.)

Q. Now, you've told Mr. Olson on cross-examination, that the Miller line touched the water about thirty feet from the stern of the "Celtic Chief." What do you mean by that? Thirty feet along the water or thirty feet of line?

A. Thirty feet of line going into the water.

Q. Counting thirty feet from the point where the line left the stern of the ship down to the point it touched the water? That's what you mean?

A. That's what I mean.

Q. Not from the point where the line touched the water along the surface of the water to the stern of the "Celtic Chief"?

A. From where it goes into the water from the stern down to the water, that's what I meant yesterday.

Q. And the stern of the "Celtic Chief" was about twenty-two feet above the water?

A. As near as I can guess.

Q. That's the point where the Miller line left the "Celtic Chief," about twenty-two feet above the level of the water, as near as you can fix it?

A. That's what I look over the side there, it's pretty high.

Q. That's your estimate? A. Yes.

Q. Do you think it was much less?

A. I don't know.

Q. It might have been less.

A. I don't know because the stern stuck up. It's empty in the stern. I didn't go down on the water there. Comes about twenty-two feet as near as I could give you.

(Testimony of Richard Clarke.)

Q. Could it have been as high only as fifteen feet?

A. What's that?

Q. Could it have been only fifteen feet from the poop of the "Celtic Chief" down into the water?

A. Might fifteen or twenty-two, something like that. I [1490—656] don't take a ball and try how she is; I just look on the side and guess.

Q. And you guessed the length of the Miller line the same way?

A. And I guessed my line where she laying.

Q. How far astern of the "Celtic Chief" did you say the Miller anchor lay? How far out to sea from the "Celtic Chief"? A. Well—

Q. What's that?

A. I think yesterday the guess I gave you, of course, I didn't have the measurement, to say what it was.

Q. Do you remember what you said it was yesterday?

A. I says about 150 or 250 feet. That's what I told yesterday.

Q. 150 or 250 feet? A. By guessing.

Q. Is that where the buoy was?

A. The buoy was on the anchor.

Q. Right above the anchor?

A. Right above the anchor.

Q. Did you have a very long line attached to the buoy or just enough?

A. About three fathom and a half.

Q. Did that buoy have enough line on it to travel a little ways? A. Just travel a little ways.

Q. Didn't have enough line for it to swing away

(Testimony of Richard Clarke.)

on one side part of the time and the other side part of the time?

A. She didn't have very much space. She only had a little over three fathom, three fathom and a half.

Q. That's about eighteen or twenty feet?

A. Might be more than that.

Q. What? A. Might be more than that?

Q. How many feet in a fathom?

A. Six feet to a fathom.

Q. Three fathoms would be eighteen?

A. And a half fathom.

Q. And a half fathom that would be about twenty?

A. Twenty-one. We could claim on the anchor and the wire we had lying on that buoy.

Q. How deep was the water where you dropped that anchor? [1491—657] ,

A. I never sound the place to see how deep that water is.

Q. You didn't sound it? A. No.

Q. Do you know that the line—

A. I know the anchor went in the water; that's all I know.

Q. You see the line from, between the buoy and the anchor before it was dropped in the water?

A. I saw the anchor before they dropped it in the water.

Q. You saw the buoy before they dropped it in the water? A. I saw the buoy.

Q. Were the buoy and the anchor attached when you saw them before they were dropped in the

(Testimony of Richard Clarke.)

water?     A. That was attached.

Q. With a line between them?     A. With a line.

Q. And your estimate of the length of that line connecting the buoy and the anchor of three or three and a half fathom is based on your observation of that line as you saw it out of the water?

A. I saw the buoy out of the water.

Q. The line itself, your judgment as to its length is based upon your having seen it before you dropped the anchor?

A. I haven't seen that wire put on the buoy. No. It's from examination because when we went on the other side that had all kinked up on it. We had three fathom and a half wire.

Q. When?

A. The time we took it over the storeroom.

Q. What did you do with that three fathom and a half?

A. We keep them two pieces because the other piece was all kinked up.

Q. You didn't use that other piece?

A. They did not use that out there.

Q. Was there one piece three fathom and a half long?

A. It was a piece little over three fathom and a half. [1492—658] Part of it was all tangled up but they used it in the water.

Q. That's the piece they used to fasten the buoy to the anchor?

A. Fast to the anchor. It was my examination, about three and a half fathom.

Q. That would make the depth of the water about



(Testimony of Richard Clarke.)

how many feet? A. I don't know.

Q. How many fathoms?

A. I never sound it there.

Q. Your buoy floated?

A. The buoy was floating around.

Q. Now, about the Inter-Island steamers. On Wednesday night, I undersand you to say, that you really don't know whether any of those steamers were pulling or whether they were not pulling. Is that right? A. Right.

Q. You didn't observe? A. No.

Q. You didn't see their lines?

A. I saw their lines on board the "Mikahala" and the "Helene."

Q. But you didn't observe them off the ship?

A. I never troubled. I looked on the side, I see the line on it. I don't know whether they pulling or not.

Q. So that you're not willing to say anything about what the steamers did or didn't do?

A. No.

Q. For all you know they may have been pulling their best speed? A. Yes.

Q. Now, about the "Arcona" anchor; you say the "Arcona" might have had an anchor out ahead, but do you know whether she had an anchor out at all?

A. I ain't quite sure, but I only got that in my head. She might have an anchor to steady her up.

Q. Do you know whether any of the Island steamers had any anchors? You don't know whether any steamer had out an anchor?

(Testimony of Richard Clarke.)

A. I think only the "Helene" had an anchor.  
[1493—659]

Q. The "Helene" had an anchor? How many anchors did the "Helene" have?

A. I only saw one anchor-chain lying out.

Q. You saw one anchor line?

A. One anchor line.

Q. On which side was that anchor line? Which side of the "Helene"? A. On the starboard side.

Q. On the starboard? A. Port side.

Q. Port bow of the "Helene"?

A. Of the "Helene."

Q. You couldn't say whether she had an anchor or on the other side or not? A. No.

Q. And you don't know? A. No.

Q. Do you know how far on the reef the "Celtic Chief" was? A. No, sir.

Q. Do you know anything about the depth of the water around the "Celtic Chief"?

A. No, I don't. Never sound the water to see how deep she is. I never think on that because I was busy on my work and I would take a look outside once awhile to see the waves coming past.

Q. You didn't yourself engage or hire any of the men who worked for Miller, did you? A. Hire.

Q. Did you engage them to work for Miller?

A. Yes, sir.

Q. You got all the gang?

A. I went and picked up the men and went out.

Q. You picked up the men from around the water-front? A. Yes.

Q. For the gang that went out on the "Kaimiloa"?

(Testimony of Richard Clarke.)

A. In the "Concord" and the "Makee."

Q. All three?

A. Yes, but "Kaimiloa" came afterwards, later Tom Mason and all those Kanaka went out.

Q. They towed them out by a steam launch?

A. Steam launch.

Q. You engaged the men that went out on the "Concord"? A. Yes. [1494—660]

Q. And the men on the next boat that went out there, the "Kaimiloa"?

A. "Kaimiloa" and the "Makee."

Q. They go out together? A. No.

Q. Which went first?

A. I think the "Makee" came out.

Q. "Makee" was second? A. Second.

Q. "Kaimiloa" third? A. "Kaimiloa" third.

Q. You went on the last, "Kaimiloa"?

A. No, I went on the "Concord."

Q. But previous to going on the "Concord" you engaged all these men? A. Yes.

Q. And had a list with their names? A. Yes.

Q. Before any of them went out you had a list of their names?

A. Yes, I had the list in my book when we went out on the "Concord." Later on the "Makee" and "Kaimiloa" came out there; after we loaded the "Concord" we load the "James Makee."

Q. How much fertilizer did you take out of the "Celtic Chief" and put aboard the "Concord"?

A. I have no idea about that because I just give her a load.

Q. You don't know how many tons you took out?

(Testimony of Richard Clarke.)

A. I didn't count how many tons or how many bags, no.

Mr. WARREN.—That is all.

Mr. OLSON.—There are one or two questions I want to ask. You say that overnight you've been thinking over the question of the "Mauna Kea" being out there and the time that she broke her line and you found that you were incorrect on yesterday when you said she was out there Wednesday?

A. Monday.

Q. It was not Wednesday? A. Not Wednesday.

Q. It was Monday? A. Monday.

Q. And you know that because you were handling cargo? A. Yes.

Q. That recalled it to you because you remember that you [1495—661] were handling cargo?

A. Yes.

Q. Why did you say that you remember it was Wednesday because you were fixing up the rigging?

A. I rigged up some stuff for working our cargo.

Q. Didn't you say yesterday, Mr. Clarke, that you were rigging up the anchor tackles at the time that the "Makee" broke her line?

A. When I went home again I think over my head. You know two years is a long time. If I had things kept down it would be all right. When I went home last night, keep me awake all night. "God damn," I say, "how the hell that on Wednesday? She go away on Tuesday." I had in my head thinking all night.

Q. Why did you say yesterday that you heard the



(Testimony of Richard Clarke.)

line snap at the time you were rigging up the anchor tackles?

A. I got all mixed up yesterday on those steamers. I was thinking all the time when I go home—I think how can that line break.

Q. Harry —— was the man on board the “Intrepid” who called out to you that he wanted some booze?     A. Yes.

Q. Did you bring him some booze?

A. I haven’t got any.

Q. You said you didn’t have any booze?     A. No.

Q. Do you know if he got any booze?

A. I don’t know.

Mr. OLSON.—That’s all. In saying that was all, I don’t pass the witness up without examining on that book.

Redirect Examination of RICHARD CLARKE.

Mr. WEAVER.—Q. I refer you to this last diagram made by you, Exhibit “C” of Inter-Island Steam Navigation Co., and ask you whether or [1496—661] not you know the calculations, the mathematical calculations in the second and third tackles, we refer to the main tackle that the witness ran back on the second and three times on the third. Do you know whether those mathematical calculations, do you know just exactly how far the second tackle goes, how many feet the main tackle pulls it?

A. No.

Q. Do you know how far this second tackle would be moved when this second tackle comes along?

A. I have no idea.

(Testimony of Richard Clarke.)

Q. Now, then, what is your knowledge of the movements of this main tackle?

A. My knowledge is that I'm already taking that second purchase from the first purchase.

Q. I'm asking you another question. I say, when you testified about the main tackle coming together you observed the main tackle two blocks moving together. That is your statement based upon what? How did you arrive at the statement of how close these blocks came together, how much they moved during the whole time from the first time you lashed on to the hawser to the time the ship came off?

A. I have no idea.

Q. Do you understand my question?

A. Yes, I understand what you mean, but you know when this third block is working and the second one come and this one going slack, I can't tell you what the distance of this block going.

Q. You know where the two main blocks were when you started out? A. Yes.

Q. And you know where the two main blocks were?

A. It's fastened to the bitt.

Q. The hawser block, what did you call the second block, or first block or what? A. First block.

Q. You observed where the first block was and where it [1497—662] was attached to the strap when you started out? You know where it was?

A. Yes, we heave her out again, then put this one on. That's the way you would fleet the first time.

Q. Answer my question. You know how the two blocks were when you got the line taut, the hawser, don't you? A. Yes.

(Testimony of Richard Clarke.)

Q. You know what positions on the ship?

A. Yes.

Q. And you know the positions of those two blocks when your tackles dropped on the deck after night. The two blocks dropped on the deck that night?

A. Yes.

Q. That time the ship came off you observed that distance?

A. When the ship came off the block was way off, but they had fallen down.

Q. Now, at that time had you made any observations about the distance the second tackle had travelled?

A. The second tackle travelled more than the first.

Q. And the third?

A. Little more than the second.

Q. Do you know how much?      A. How much?

Q. Can you say how much it travelled? Had you paid any attention?      A. I don't pay no attention.

Q. Do you know the relations of this second block with this third block?      A. It's more.

Mr. WEAVER.—I'll stop my redirect and let Mr. Warren finish in regard to the book.

The COURT.—Very well.

Mr. WARREN.—Q. Have you with you anywhere or can you obtain the list or memoranda which were given to you by Moses?      A. Moses and Vanatta.

Q. What's that?

A. Moses and Vanatta was on the dock. [1498—663]

Q. Vanatta?      A. He's got the whole thing.

Q. Where are the slips that they gave you showing

(Testimony of Richard Clarke.)

how many hours?      A. Throw it away.

Q. But the men who worked on the "Kaimiloa" and afterwards worked on the "Makee" over at the Hackfeld wharf, you have those figures from your own information, have you?

A. I had from mine and Vanatta had information. He's the bookkeeper.

Q. He had some of those too?

A. He was down there to check up the men.

Q. What part of the figures in this book have been written in here from your own knowledge and which you haven't taken from slips or memoranda given by somebody else?

A. Some in the book. "Kaimiloa," three-quarters of a day and eight hours. When they came to shore they had eight hours and three-quarters of a day. Nine of them.

Q. Now, where did you get these figures for these nine men who worked eight hours?

A. From Tom Mason.

Q. You got those figures from Tom Mason?

A. Tom Mason.

Q. Are there any figures that you had in here without getting them from anybody else?

Mr. WARREN.—By agreement, the pages in this book are to be numbered. I am numbering them down in the lower corner. Now, on what page of this book, as now numbered, are figures which you had yourself, which you didn't get from anyone else?

A. No. 5.

Q. Page 5?      A. Page 5, page 7, 9, 11.

Mr. OLSON.—This is on what date?



(Testimony of Richard Clarke.)

A. Date of 6th, 7th, and 8th December.

Mr. WARREN.—Now, the figures, you'll say that all of the figures on these pages you have named are from your own knowledge?

A. Yes.

Q. You didn't get those figures from Vanatta?

A. No. [1499—664]

Q. Did you get any of them from Moses?

A. Well, Vanatta got that name, all them boys.

Q. Vanatta got the names?

A. Of the men worked on the docks.

Q. On these pages that you have just given us?

A. Some of them between those pages; some of the boys working on the dock with Vanatta.

Q. Do you know how many of these names have been paid off and how much from Vanatta?

A. That's all what I know from my knowledge and Vanatta got his own what amount or cheque he paid out. What men laying here Tuesday, didn't go to work with me, I dock it off.

Q. You have in this book the names of men that had been working? A. We run right along.

Q. Same with Vanatta?

A. Same with Vanatta.

Q. Same with Moses?

A. Same with Moses. On Tuesday they quit work for Vanatta.

Q. If he worked for Vanatta on Tuesday, is it in this book? A. No.

Q. Not in this book?

A. Because I don't know what they doing.

Q. What figure in this book did you get from

(Testimony of Richard Clarke.)

Vanatta? A. Didn't take no figure.

Q. What names?

A. I got some names of men in this book, the date of Tuesday not working for me, but is working that afternoon.

Q. Don't you think this morning that you got the names and the figures in this book from Moses, Vanatta and Moses. A. I didn't tell you.

Q. Didn't you tell us—

A. I told you Moses and Tom Mason. I didn't tell you Vanatta.

Q. What names in this book did you get from Tom Mason?

A. These last names, just those nine men. [1500—665]

Mr. WEAVER.—What pages is that?

A. Page 13. (Reads list.)

Q. What names in this book did you get from Moses? A. He had three Japanese.

Q. That's all he had?

A. That's all he had and his brother, Kekaluna. He had three Japanese and his brother, five men.

Q. What did you mean this morning when you told us that the figures in this book had been copied from lists which had been given you by Moses and Tom Mason?

A. That's the one he gave me, on page 13. That is Tom Mason and Moses he only had three Japanese.

Q. And every other name in this book is of men who worked— A. Under me—

Q. Under you? A. Under me.

Q. How many men did you tell us worked under

(Testimony of Richard Clarke.)

you? A. About sixty-odd men.

Q. Didn't you tell me you only had thirty?

A. Well, the whole list is over sixty-odd men.

Q. Didn't you tell me that you took out a gang of thirty men?

A. Thirty men and some men of Mason.

Q. Some men of Tom Mason?

A. Yes, and "James Makee."

Q. How many men did Mason have?

A. I understood when he came ashore with himself, he had nine men.

Q. When he came ashore? How many men did he take out with him when he went back?

A. I got no idea. The men was coming on the steam launch, I don't know they was coming out here.

Mr. OLSON.—These people that you have testified to are all of the men that were paid off for the "Celtic Chief" work?

A. Yes.

Q. That's all, I think. [1501—666]

A. There is some here, got some in Vanatta's book.

Mr. WARREN.—Is there any list of men besides this list? A. The one Vanatta had.

Mr. OLSON.—Do you know anything about it?

A. I never look at his book.

Q. This is the men working our freight, working the cargo and that's all? A. That's all.

Mr. WARREN.—There weren't any men worked for Miller except you had their names in this book, on the "Celtic Chief"?

A. Just on the "Celtic Chief"?

Q. Everybody that worked for Miller in connec-

(Testimony of Richard Clarke.)

tion with the "Celtic Chief" has his name in this book? A. In this book.

Q. The "Concord" went out before you did?

A. I went out on the "Concord."

Q. You took how many men with you?

A. Took some men.

Q. How many? A. Thirty-five or forty. I never checked the men until about in the evening.

Q. What is that?

A. I never checked the men's name until in the evening.

Q. You took out about thirty-five or forty?

A. Thirty-five or forty.

Q. How many did Tom Mason take out?

A. Nine. "James Makee" brought some.

Q. How many?

A. Three Japanese and some natives.

Q. How many? A. I didn't count them.

Q. Half dozen?

A. Half dozen. I had sixty men altogether, include me and Weisbarth.

Mr. OLSON.—That included Mason's men and Weisbarth's men? A. Weisbarth's men.

Q. Mason's too? A. Mason's too.

Q. In that sixty?

A. In that sixty. [1502—667]

Q. You have, in this book, the names of the different men who worked for Miller. By each name you have a figure indicating the number of days each man worked and the number of hours he worked?

A. Yes.

Q. How do you know, and how did you come to



(Testimony of Richard Clarke.)

write in this book opposite any particular man's name the number of days he worked and the number of hours he worked?

A. I worked down the wharf nine years and I've been foreman and everybody do that way.

Q. I'm asking you how you got these figures?

A. I took the time out there, asked for it.

Q. Asked who?

A. Asked any officer. That is Weisbarth. I pulled in the time, marked off the time, eleven hours for you boys, nine hours for you boys, and that's the way I do it.

Q. So that you had to depend on what was told you by— A. All the time.

Q. By Tom Mason as to how many hours his men worked? A. That is so. I copy down.

Q. And on the strength of what he told you you put the figures in this book?

A. He told me eight hour.

Q. And the same as to the men under Moses?

A. And Moses.

Q. You don't know yourself how many hours they worked? A. I never been with them.

Q. You were here in the harbor?

A. I was outside when Moses came in. I was coming behind but Tom Mason came ahead of me. I don't know what time he knocked off so he gave me that time.

Mr. WARREN.—I'd like, at this time, your Honor, to move to strike from the record the testimony of this witness as to the number of hours and days and the amount of wages paid or due these dif-

(Testimony of Richard Clarke.)

ferent men whose names appear in this book, upon the ground that it appears that they are the [1503—668] result of hearsay and not within the personal knowledge of this witness.

Mr. OLSON.—Join in the motion.

Mr. WARREN.—And he cannot testify from his own knowledge what those are.

Mr. OLSON.—I make the same motion.

Mr. WARREN.—I'd like to add to my motion the further ground that the witness is not able to identify what portion of this is his own and what is not.

Mr. OLSON.—Make the same addition to my motion.

Mr. WARREN.—The witness testified that where he gave out the number of days, the number of men, and the amount paid, he gave them in a hurry and they may all be incorrect, and he said this morning that he is not purporting to say that these figures which he has given us are correct, and there are no other figures before the Court.

The COURT.—I don't think he testified the figures are not correct.

Mr. WARREN.—He testified this morning, in answer to the questions, he said he was in a hurry.

Mr. OLSON.—Mr. Clarke, didn't you say that a number of these items in this book were given to you by Tom Mason?

A. There's nine men from Tom Mason.

Q. Weren't there others also?

A. Three Japanese.

Q. And all the rest I think you saw that they

(Testimony of Richard Clarke.)

worked? A. They was working.

Q. Did you see them before the work?

A. Yes, I did.

Q. Didn't you tell us that you got the number of hours those men worked?

A. That's not the nine men.

Q. And all the rest.

A. Moses, he had three Japanese and his brother.

Q. That's twelve and the brother makes thirteen, you make [1504—669] fourteen?

A. I was outside; I remember all the boys.

Q. Then you personally know that forty-eight out of the sixty worked under you and you just gave what hours they worked and—

Mr. WEAVER.—I object to that. He said there were nine men with Tom Mason, and three Japanese. That's twelve and the brother and yourself is fourteen.

Q. We'll say forty-six. There were forty-six men under you were there?

A. On the "Makee" coming home. We had to stay out there to load the "Makee" up. When she was ready they towed us in four o'clock in the morning.

Q. Were any of these forty-six men in the "Concord"? A. What men?

Q. Did any of those forty-six men work on the "Concord"? A. Yes.

Q. Did you take their time when they stopped?

A. I took their time.

Q. Did you take it yourself?

A. I took it myself. That time I discharged her

(Testimony of Richard Clarke.)

I asked this boys. I asked someone. I asked Tom Mason. And I asked Moses, how many men it have in her. Moses had three Japs and him and his brother.

Q. And you had the rest?

A. And Tom Mason had nine and I had all the balance.

Q. Forty-six?

A. Forty-six, and we discharging that morning. After we got through breakfast they worked that morning. Some of them I laid off and I check up on Tuesday. It shows right on the book there what.

Q. On Wednesday you say the figures you find as this morning as to how many men worked?

A. Some got eleven hours. [1505—670]

Q. You don't know how many got that?

A. I didn't copy out the whole list so I told Magoon to mark on the pieces of paper.

Mr. OLSON.—Clearly, that portion that the witness now testifies to as having been received on hearsay cannot go in and the motion should be granted as to that question.

The COURT.—I don't care to hear you, Mr. Olson. I believe it should go in.

Mr. WARREN.—Your Honor holds that it must be connected or it can't go in?

The COURT.—I'm inclined to think so.

Mr. WARREN.—I'd like to ask the witness in whose handwriting are these entries made in this book.

A. My own.

Q. And all these names and figures are writing in your handwriting? A. Yes.



(Testimony of Richard Clarke.)

Q. Now, at what time did you write them in?

A. I wrote the name of that boys one time. The gang I took out first when I look over the book I see the gang. I told them, "I take you boys at five o'clock." So at five o'clock I take these men and Moses and the Japanee, send out on the steam launch. I told Moses, "I'll check you fellows in the evening."

Q. Then the number of hours that you have done in this book was for work done on the "Celtic Chief"?

A. On the ship some of it, but on Tuesday we went ashore here discharging some cargo.

Mr. WARREN.—Then your Honor reserves your ruling as to that?

The COURT.—Yes. Of course, I don't know what the other side will put in to corroborate or show fully the situation.

Mr. WARREN.—Five o'clock when?

A. Monday.

Q. What?

A. Monday, Monday evening. [1506—671]

Q. After the men had come ashore?

A. No, the men didn't come ashore that time. They was all on board there Monday.

The COURT.—Did you get the time of these men who were under Mason and under Moses only Tuesday afternoon?

A. I got the most of it on the three pages. All Moses on here, Moses Japanee.

Mr. WEAVER.—Page 13 in the book?

A. I put this three Japanee, this Japanee and Moses in between.

(Testimony of Richard Clarke.)

The COURT.—Did Mason and the Japanese take the time of their men every day?

A. Yes, one day.

Q. Now, the other days you have yourself?

A. I have from Tom.

Mr. WEAVER.—Tuesday and Wednesday?

A. Tuesday and Wednesday.

Mr. WARREN.—What about Thursday?

A. Oh, Moses was working on Thursday.

Q. What was he doing?

A. Shifting around gear.

Q. On Miller's dock?

A. No, on Hackfeld dock.

Q. Shifting what gear around?

A. They was working on the dock cleaning up.

Q. Cleaning up the dock? A. Yes.

Mr. WARREN.—I think the motion to strike from the record the testimony of this man on Thursday is proper, it not appearing that that work was for the "Celtic Chief."

The COURT.—I don't think that should go out unless it is clear that it wasn't part of the "Celtic Chief" work.

I'll ask the question with regard to that Thursday work; what do you refer to? A. Thursday.

Q. On the Hackfeld dock?

A. It was cleared. All [1507—672] those fertilizer was taken down, had some bags broken and some of our ropes was on the dock. We shift it on the "Makee," put it all in place so we give them a day.

Q. What fertilizer did this have reference to?

(Testimony of Richard Clarke.)

A. The fertilizer what we got at the "Celtic Chief."

Q. And the ropes and tackles, you refer to what ropes and tackles? A. All of ours.

Q. That's all.

Mr. WEAVER.—Q. Was any other work done for the "Celtic Chief" after Thursday?

Mr. OLSON.—I object to the question on the ground it is improper redirect.

Mr. WEAVER.—Withdraw the question.

The COURT.—Objection is sustained.

Q. Did you have anything to do with keeping track of the crews of the other vessels? You had your gang on the "Celtic Chief"? Did you have anything to do with the crews of the "Kaimiloa," keeping track of that? A. What—that evening?

Q. Any time during Monday, Tuesday or Wednesday.

A. Only one day they worked that day eight hours.

Q. Did you keep track of the crew of the "Kaimiloa" at any time?

A. Not during the day, because I take the time at five o'clock, the overtime.

Q. In this list of yours did you include any of the crew working on the other steamers of the Miller Salvage Co.? A. I don't know any of the crew.

Q. Did you include in your list the crews of the steamers of the Miller Salvage Co.?

A. I had the salvage boys with me.

Q. Did you have account of the crew of the "James Makee"?

A. They went out, three Japanee when on him.  
[1508—673]

(Testimony of Richard Clarke.)

Q. Is that all?      A. And two native boy.

Q. Were there any other steamers on the Salvage Co.?      A. The "Concord."

Q. You have the crew of the "Concord"?

A. I had all my boy.

Q. The "Kaimiloa," "Concord," and "Makee"?

A. And "Makee."

Q. Did you have those crews?

A. I had all the boys.

Q. Did any of those steamers have any engineer?

A. I don't think so because they had closed down the steam.

Q. Did the "Kaimiloa" close down her steam?

A. The "Kaimiloa" got no steam.

Q. Did the "James Makee" have any steam?

A. Towed out in the steam launch.

Q. Do you know whether or not there were any other steamers or power boats there working for the Salvage Co.?      A. Not for Miller.

Q. Did you have any launches around there *belong* to Miller Salvage Co.?      A. Just one launch.

Q. What's that?

A. I don't know her name. That launch the biggest launch her and Frank is running it.

Q. Do you know a launch by the name of "Elizabeth"?

A. That is the "Elizabeth." That is the big launch.

Q. Do you know Loncke?      A. Frank.

Q. Frank Loncke or Frank?      A. I know Frank.

Q. Was he working on there?      A. Yes.

Q. Who was he working for, do you know?



(Testimony of Richard Clarke.)

A. Working for Miller.

Q. What was he doing?

A. Running the steam launch.

Q. What launch?

A. The launch he had. I don't know the name, the one who towed us in. [1509—674]

Q. Do you know the name of that? A. No.

Q. Did you have him on your list, this Frank Loncke? A. No.

Q. Was there any officers of any on these vessels? Were there any officers or any of these on any of these vessels belonging to the Miller Salvage Co., if you know? The "James Makee" or any other? Do you know whether there were any officers on her at that time?

A. We didn't have no officers on the "James Makee."

Q. Or the "Kaimiloa"? A. "Kaimiloa."

Q. When you say that you had in your list all of the men working on the "Celtic Chief" did you intend that statement to be, to include every possible man that was working in any way, connected with the "Celtic Chief"?

A. That was working on the "Celtic Chief."

Q. Did you include any that worked away from the ship itself?

A. When we went ashore discharge we had the same crew as what we discharge on the "Celtic Chief."

Q. Did you include on that the men working on vessels of the Miller Salvage Co., but not on the "Celtic Chief" in that list? A. What's that?

(Testimony of Richard Clarke.)

Q. Did you include in that list men that were working on other vessels belonging to the Miller Salvage Co., but not actually engaged in lightering the "Celtic Chief"? A. All of our men was engaged.

Mr. OLSON.—The witness has testified, if the Court please, that there were no officers on the "Concord" and the "Kaimiloa" and that there were three Japs and a couple of native boys. When counsel refers to other boats do you mean the boats that were testified to. I object to that on the ground that it has been asked and answered.

Q. Did it include all those men? [1510—675]

A. Yes.

Mr. WEAVER.—I move that that question be stricken out.

Mr. OLSON.—I don't care to have it go into the record.

The COURT.—It may go out with the consent of counsel.

Mr. WEAVER.—Do you include in that list all of the men that were working in connection with the "Celtic Chief," either on the "Celtic Chief" or around it or in connection with any work about the "Celtic Chief"?

A. Working on discharging and rigging.

The COURT.—Aside from these men in that book that you had, were there any others working for the Miller Salvage Co., in connection with the "Celtic Chief"?

A. I saw them on the "Celtic Chief."

Q. I know, but were there any others that you didn't have on the time-book?

(Testimony of Richard Clarke.)

A. On the dock they had some different men than I had.

Q. On the dock there were some different men?

A. Yes.

Q. Do you know, was there any boss for these men, if you know? A. Vanatta.

Q. Vanatta? A. Vanatta; yes.

Q. Do you know how many men there were?

A. I don't have no idea.

Q. Were there any other men than those under Vanatta?

A. My men on shore; after they had that sleep that morning then we go ashore and work.

Q. Were there any other men on vessels of the Miller Salvage Co., other than those under Vanatta and under you?

Mr. WARREN.—I think, your Honor; that is going beyond the range of redirect.

The COURT.—I'll allow that.

Q. Ask the question. (Question read.)

The COURT.—Will you answer that question?

A. Sir? [1511—676]

The COURT.—Mr. Weaver asks you if there are any other men?

A. Some men works under Vanatta. I don't know how many men worked under Vanatta.

Mr. WEAVER.—I want now to introduce that book, your Honor.

The COURT.—That book may be received in evidence, make your offer, Mr. Weaver.

Mr. WEAVER.—I now offer in evidence book marked Time-book, produced by the witness, that

(Testimony of Richard Clarke.)

part thereof shown on pages 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, but excluding from page 14 the pencil memorandum written across the page.

Mr. OLSON.—I object to the offer on the ground it appears that the witness does not know whether or not all of these men who are in there are men who were working on the "Celtic Chief," the amount of the time they work and amount of money which he saw paid and which the book purports was paid for services performed on board the "Celtic Chief" or in connection with the "Celtic Chief," the "Celtic Chief" operations; furthermore, on the ground that the witness has excluded from the data included in the document offered in evidence concerning which he can testify to his own knowledge and that there are items there in which are based on hearsay only, and, therefore, the evidence offered is incompetent, irrelevant and immaterial.

Mr. WARREN.—I desire to make the same motion, your Honor, and particularly as to page 13 which, on his own testimony, is based on hearsay.

The COURT.—Isn't that admissible as testimony of who were paid off.

Mr. WARREN.—I will withdraw my particular reference to page 13 and make it general as to the whole book.

Mr. WEAVER.—What, if anything, what did you say with regard to Vanatta filling in names in this list?

A. He's got this list on his payroll.

Q. Are any of those names on this payroll and if so, what [1512—677] ones?



(Testimony of Richard Clarke.)

A. Henry Kia— this man wasn't working.

Q. You haven't got him?

A. No, but he's got him on the list.

Q. Then you refer to Kia on page 5. Were there any other names Vanatta had on his list?

A. Lokina, King, Moses, John Akule, William Kealoha.

Q. He had those three? A. Five.

Q. You have these names for a certain amount paid to them for that work?

A. They was working for me.

Q. What's Vanatta got to do with those?

A. When he works the time before me he had the men.

Q. Have you got in here Vanatta's time in your book?

A. I have got none of his time on my book, but I give him my book and he copy it down.

Q. How about these three Japanese on page 11, did you take their time yourself?

A. Yes, I take their time.

Q. You testified on cross-examination about the list, what does that refer to?

A. Moses and the Japanese.

Q. List on dirty paper, did you say?

A. Just on dirty paper.

Q. Does that refer to any of these items?

A. I put it down here.

Q. I asked you if you have the list on dirty paper, is correct of your own knowledge?

A. I take the name from that paper.

Q. Do you know that to be true, yourself, the list,

(Testimony of Richard Clarke.)

the time? A. I know the time.

Q. Do you know that those men worked that time?

A. I saw them.

Q. Do you know the men?

A. I know those Japanese.

Q. Do you know whether or not they worked that time? A. They working down there.

Q. Do you know of your own knowledge if that dirty paper was correct or not correct?

A. Was correct. [1513—678]

Q. What names? Any of this list?

A. Yes, Tom Mason.

Q. We take up the list up to page 12 and 13, any of those names include people that you don't know about and didn't take the time of yourself?

A. Some men in Vanatta's list you haven't got. All the men that been working with me I put the time down.

Q. Are there any men there that you put down you don't know what they had been doing?

A. I know what these men been doing so I put their time down.

Q. Now then, turn to page 13; do you, of your own knowledge, whether or not these men were working?

A. I saw them working out there.

Q. Do you know how long they were working?

A. Yes.

Q. Do you know how many men were working?

A. Nine men.

Q. Do you know that of your own knowledge?

A. I seen it.

Q. Had they been working under you or somebody

(Testimony of Richard Clarke.)

else? A. They was on the ———

Q. Under whom? A. Under Tom.

Q. Under Tom Mason? A. Tom Mason.

Q. And do you know whether or not they did that work yourself?

Q. Do you know whether they worked that time?

A. Eight and three-quarters when they left out there and come ashore.

Q. How do you know whether they worked eight and three-quarters. A. Tom told me.

Q. Do you know of your own knowledge?

A. Three-quarters of a day and eight hours.

Q. Do you know because he told you or do you know it of your own knowledge?

A. When I saw him coming in I told them "What time you got?" [1514—679] They left out there about two o'clock in the morning and comes in here three o'clock.

Mr. WEAVER.—Now I make the offer.

Mr. OLSON.—Same objection.

Mr. WARREN.—We renew the objection.

The COURT.—It seems to me that it comes through the course of business and you want to produce the best evidence on that point. At this time I will admit the time-book as to those men under Mr. Clarke, excepting the nine men under Mason, Mr. Mason's nine including himself.

Q. And with regard to the Japanese, I understood—did you get the Japanese time from what someone told you or Moses told you or did you see it yourself?

A. I see the Japanese working there.

Q. Did you get these figures from Moses or some-

(Testimony of Richard Clarke.)

one else? A. I put the figures in myself.

Q. Where did you get these?

A. I went on the "Makee" and I saw the Japanese working with me on the "Makee."

Mr. WARREN.—I'm willing to let it come in and segregate the proper items in view of the evidence.

The COURT.—With the reservation stated in the suggestion of Mr. Warren, I'll admit the book in evidence subject to striking out any portions later if not connected up.

Mr. OLSON.—At this time I'd like counsel to admit, Mr. Magoon and I have measured the distance from Beretania Street first to the lane next to the theatre down here concerning which the witness has testified. The distance from Beretania Street to the lane, the lane next to the theatre that's been referred to, I think it's Chaplain Lane, it's 225 feet; and the distance from Beretania Street to the Club Stables is 507 feet. We measured it with a tape line.

Mr. WEAVER.—On behalf of Miller Salvage Co., on Mr. Olson's statement, I admit that to be a fact.  
[1515—680]

Mr. OLSON.—You make that admission, do you?

Mr. WARREN.—Yes, I make that admission.

The COURT.—With regard to Moses and his men, were you with them all day or pretty much of the time they were working?

A. Yes.

Q. Why did you mention Moses' men in a different class? You made a distinction between your men and Mason's men, and Moses' men. Mason's men you didn't know? A. Yes.



(Testimony of Richard Clarke.)

Q. Why did you go to get that from Moses?

A. I got those names from Moses.

Q. You only got the names from Moses?

A. Only the name.

Q. But the time you knew yourself?

Mr. WEAVER.—I think that's about all.

Monday, August 21, 1911.

**[Testimony of Norman Watkins, for Libellant.]**

Direct examination of NORMAN WATKINS, a witness called on behalf of Libellant Miller Salvage Co., Ltd., and sworn.

Mr. WEAVER.—Q. What is your name?

A. Norman Watkins.

Q. What is your employment?

A. General Superintendent, Hawaiian Fertilizer Co., Ltd., Honolulu.

Q. Do you know to whom the cargo of the "Celtic Chief" was consigned on the voyage that reached here about December 6, 1909?

A. Consigned to the Hawaiian Fertilizer Co., Ltd.

Q. And do you know what that cargo consisted of?

A. I do. [1516—681]

Q. Will you state what it consisted of?

A. (Witness consults document.) 2547 tons, 13 cwt., two pounds of fertilizer of various kinds, and nine tons, 14 cwt., 12 pounds of general cargo consisting of 200 cases of brandy, 200 cases of whiskey, and five cases of marbles.

Q. And was this general cargo sent to the Fertilizer Co.?

A. Well, only as agents for the vessel.

Q. Who were the owners of it? To whom was it

(Testimony of Norman Watkins.)

sent? Principal owners?

A. The five cases of marbles were consigned to order, but the holder of the bill of lading was Hoffschaelger & Co.

Q. And in regard to the 200 cases of brandy?

A. One hundred cases of brandy was consigned to F. A. Schaefer & Co., one hundred cases of brandy to W. C. Peacock, two hundred cases of whiskey to W. C. Peacock rather.

Q. And the other cargo was consigned to the Fertilizer Co. for your own purposes? A. Yes, sir.

Q. What kind of fertilizer was that made up of?

A. Sulphate of potash, double manure salts.

Mr. OLSON.—Double what?

A. That's the trade name of this particular goods. It's a double salt of potash and magnesia and double sulphate of potash and magnesia, and the third material is known to the fertilizer trade as double superphosphate.

Q. Are they all of the same value or of different values? A. Different values.

Q. Did you loose any of this cargo by reason of the grounding of the "Celtic Chief"? A. We did.

Q. Then can you say what was rescued by the Miller Salvage Co.?

Mr. OLSON.—I object to the question on the ground it assumes it was rescued.

Q. Was any of this cargo taken out of the "Celtic Chief" by the Miller Salvage Co. or their agent, if you know?

A. There was a quantity of this cargo delivered or at least [1517—682] lightered by the Miller Sal-

(Testimony of Norman Watkins.)

vage Co. and landed and delivered at the Hackfeld wharf.

Q. And can you say what that was? How much it was in bulk, in weight?

A. 246 long tons, 1160 pounds.

Q. And what condition was that cargo when landed, if you know? A. Well.

Q. That 246 tons?

A. Some of it was in good order in original containers; some of it was in its original condition but in broken bags; some of it was in bulk; and some of it was a mixture of all three kinds of fertilizer that was on the ship.

Q. Now, what was—can you tell me the value of the cargo before the ship went on the reef at Honolulu?

Mr. OLSON.—You mean the fertilizer?

Mr. WEAVER.—Cargo in the ship before she went on the reef?

A. The cost of the Hawaiian Fertilizer was approximately \$111,000.00, which cost includes the freight because it was bought freight and insurance delivered at Honolulu.

Q. Does that include insurance?

A. That includes all costs.

Q. And what was the costs irrespective of freight and insurance, if you can give that from your notes?

A. The freight paid to the shipper on fertilizer was \$9,723.38.

Q. And insurance?

A. I couldn't give you the insurance because we simply know what the freight was, because we paid

(Testimony of Norman Watkins.)

the ship the freight at Honolulu and deducted it from our invoice.

Q. What was the value of that portion of the cargo salvaged by the Miller Salvage Co. included in that amount of 246 odd tons?

Mr. OLSON.—I object to the question on the ground it is incompetent, irrelevant, and immaterial, unless the question is qualified so that it asks of the witness the value of the cargo in its condition as landed at the Hackfeld wharf. [1518—683]

Mr. WEAVER.—I'll add that to my question. In the condition in which that cargo was as it was landed at the Hackfeld wharf.

A. \$12,162.00.

Mr. OLSON.—That's in its damaged condition and everything taken into consideration.

Mr. WEAVER.—What was the value of the cargo of the first, do you know whether or not the cargo of the "Celtic Chief" which remained in the ship was damaged by reason of its grounding?

A. It was damaged to the extent that in the rough handling of the cargo that was discharged a great many of the bags were broken in the ship and there was more or less mixing of the three different lots. A great many bags were also damaged.

Q. Can you say what the value of the remaining cargo was landed by the "Celtic Chief" after she was pulled off the reef? You have given us the value as it stood before she ground. Have you any figures which would give me the value of the cargo except what had been landed by the Miller Salvage Co. and any cargo that may have been salvaged?



(Testimony of Norman Watkins.)

A. It's a matter of figures. I could figure it very quickly.

Q. Will you give us an estimate?

A. I wouldn't care to estimate it. I could figure it.

Q. Well, figure it, that's the same thing. Perhaps I can make it very simple by asking you another question. Was there any other cargo salvaged?

A. Do you mean lightered?

Q. Lightered, yes. Except that by the Miller Salvage Co.? A. There was.

Q. What was it and who salvaged it or lightered it?

A. There was lightered by the Inter-Island Steam Navigation Co. 365 long tons, 2,141 pounds.

Q. And what was the condition of that freight? What was done with it when lightered?

A. It was landed on the Inter-Island wharf.  
[1519—684]

Q. Was it damaged any by reason of lightering?

A. Broken bags. Broken packages and the different ingredients mixed.

Q. Can you say what the value of that portion of the cargo was as in the condition it was at the wharf?

A. \$15,177.00.

Q. Now, will you tell us the value of the remaining portion of the cargo as landed in Honolulu after the "Celtic Chief" was pulled off?

Mr. OLSON.—I object to the question on the ground it is incompetent, irrelevant, and immaterial. The only value with which the Court is concerned is the value of the cargo as it was in the ship.

Mr. WEAVER.—Withdraw the question. What

(Testimony of Norman Watkins.)

was the value of that cargo except what had been taken out, in the hole of the "Celtic Chief" beside the dock?

A. Your question, I presume, Judge, referred to the value of the fertilizer and not the other material.

Q. Yes, only the fertilizer.

A. \$82,220.00.

Mr. OLSON.—May I ask a question?

Mr. WEAVER.—Yes.

Mr. OLSON.—You've taken into consideration there the damage to the cargo and the value of that cargo in the hole of the vessel alongside of the dock before it has been discharged? That's its value?

A. In arriving at these figures I took the original value of the cargo which I gave as \$111,000.00. From that I deducted the value as given in my testimony of the two parcels landed by the Miller Salvage Co. and the Inter-Island, and I also deducted claim for damage that was passed on by the surveyors which surveyed the damaged cargo in the ship which amounted to \$1441.00.

Q. Do you know the value of that whiskey in the hole?

A. Well, I have—I don't have those figures with me, but [1520—685] acting as agents for the ship we had the sender sign a bond and I have a duplicate of that bond at my office, but I don't recall the value.

Q. Is that true of the brandy?

A. The same would apply to all the outside cargo. I'd like to amend my last answer.

Q. Very well.

A. In stating that value as given, \$82,220.00 would

(Testimony of Norman Watkins.)

include the freight.

Q. It does include the freight?

A. It's figured on the basis of the cost to the Hawaiian Fertilizer Co.

Mr. WEAVER.—That's all.

Cross-examination on behalf of Libellants Inter-Island Steam Navigation Company.

Mr. WARREN.—Q. This value that you've given is, as I understand, the cost to the Hawaiian Fertilizer Co.? A. Yes, sir.

Q. On what is this value based, Mr. Watkins? These values?

A. Those values are based on the cost to us, the contracts which I have in my hand here.

Q. Can you state whether or not that is the market value of fertilizer in Honolulu, of that kind?

A. Well, I should say that the cost of it would be about the market value and if you care for my explanation as to why it is about the market value, I will give it.

Q. Please.

A. I understand that the market value of that fertilizer or any fertilizer arriving in Honolulu, would be established by what it might bring at a sale, sold, say, at an auction sale. There are but two fertilizer companies here and the relations between the two companies are very friendly, and a vessel arriving here would have only two possible bidders and it would be [1521—686] bid in at a very low rate.

Q. That is if the cargo arrived for sale in Honolulu? A. Yes.

Q. Not ordered by either of these companies?

(Testimony of Norman Watkins.)

A. No, a vessel unsold.

Q. Now, is there an understanding between these two companies with respect to bidding for fertilizer?

A. There is no understanding. We have never had an opportunity to bid, but I said the relations between the two companies are very friendly, and the chances are that if a vessel were thrown on the market here that it would be sold for less than its cost perhaps.

Q. That is, these two companies would not bid against each other?      A. I doubt if they would.

Q. And, in giving the value it seemed to be the fairest to all concerned to give the invoice value, that is, the cost to the Hawaiian Fertilizer. Then in giving the values which you have given us, you have not had reference to market quotations of fertilizer, have you?

Mr. OLSON.—I object to the question unless it appears that market quotations referred to in the question, rather market quotations in Honolulu, as market quotations at any other place are material.

I want to add to my question also, and furthermore unless it also appears that market quotations refers to market quotations in large quantities of fertilizer and not small parcels in few pounds or a couple of hundredweight.

The COURT.—I think I shall allow the question at this time and I so rule.

Q. What elements go into making up the market value of a cargo of fertilizer in Honolulu other than those to which you have testified already?

A. Well, I would assume that the value of cargo



(Testimony of Norman Watkins.)

in Honolulu, the basis of it would be its cost in Germany, where all potash [1522—687] used in the fertilizer trades originates, plus the cost of getting that here.

Q. Now, against the figure of value which you have given here you have given us the freight; that is, an item covering freight and insurance. Now, is there any other item which should be deducted from the item here?

A. Well, there would be lighterage charges at Hamburg and commissions for the concern that would buy potash for a Honolulu concern.

Q. Can you give us an idea of what the charges would amount to?

A. No, I cannot. As far as the fertilizer people are concerned on the Pacific Coast, the potash is all sold by one firm in San Francisco and the price in Germany is regulated by the Potash Syndicate.

Q. In Germany?

A. In Germany, and there's no—it would be no advantage to us to go trading around different places to try to get, buy potash cheaper. We give our orders to the Pacific Coast agent and take our medicine here. The price is up or down. That is the only place we can get potash from, one firm in San Francisco.

Q. Then, excluding those items of commissions, lightering, and so on in Germany, the cost of this cargo to you here, taking that first number, the cost of the cargo to you here would be the value you have given us less the transportation and insurance?

A. The cost to us is the established price of the

(Testimony of Norman Watkins.)

Syndicate plus the San Francisco agent's commissions and lighterage, insurance, and freight to Honolulu.

Q. You have been superintendent of the Fertilizer Co. for about nine years, ten years?

A. I've been with the Fertilizer Co. for over eleven years. I've been general superintendent for five years, I think.

Q. And you personally place the orders for these cargoes of fertilizer? A. Yes.

Q. And you keep in touch with the cost of fertilizer from [1523—688] the Coast?

A. I'll state here that prior to the time that the "Celtic Chief" cargo was purchased there had been no change in the basic price in potash in Germany for a number of years. It isn't a commodity that fluctuates. The Potash Syndicate established the price and that ends it. If you don't like the price, why, go elsewhere to buy and you find that you can't buy it.

Q. Then San Francisco is the only market that orders can be placed with for fertilizer?

A. Not for fertilizer; for potash.

Q. All of this cargo comes from Germany?

A. All of it did.

Q. This was all made up of potash?

A. No; there was two tons of double superphosphate.

Q. Where is that from?

A. That was shipped from Hamburg.

Q. With the other? A. In the same vessel.

Q. And how about the superphosphate?

(Testimony of Norman Watkins.)

A. Well, that's a commodity that the price does fluctuate some.

Q. Where's the market in which you place your orders for the commodity?

A. Well, in this particular case the order was given to the same parties that furnished the potash.

Q. The San Francisco house?

A. The San Francisco house?

Q. What is the name of that concern?

A. Myre-Wilson & Co.

Q. And you place all your fertilizer orders with them? A. All our orders for potash salts.

Q. And for the superphosphate also?

A. Double superphosphates? Why, we place those—I'd like to correct right here. It was one hundred tons of double superphosphate and not two hundred. We place our orders for double superphosphate through whatever agent may be loading [1524—689] a vessel for us. For instance, if it's a Hamburg vessel we're loading, our double superphosphate would be ordered through Myre-Wilson. If it was a cargo that we were loading in Scotland, the order would be given to the people that were buying the Scottish cargo for us.

Q. Then, to your mind, the market value of this cargo of superphosphates and fertilizers, classing them all as fertilizer, is the figure you have given? You call that the market value in Honolulu?

A. I think it is a fair market value. As I said before, if a party brought a shipload of potash to this port unsold, why, he'd find that the bottom had dropped out of the market and he'd get a very *low* from it.



(Testimony of Norman Watkins.)

Q. Any of the plantations buy in large quantities?

A. Not in that state; that's only the raw materials.

Q. None of them buy this raw material?

A. We don't sell in a year over two hundred pounds of that raw material. No, I'll qualify that and say not over one hundred pounds.

Q. And these different kinds of potash and so on are mixed by the Fertilizer Co. to make such products as the plantations call for for their individual use?

A. Exactly.

Q. There isn't any element of agreement or understanding between the two companies as to what is to be paid for fertilizer per ton? One is to buy from the other? A. Yes.

Q. What is that, please?

A. I haven't got the figures at this time but there is—we do have an agreement every year, at the beginning of each year where we stipulate between ourselves what we will pay to the other providing we are short.

Q. If they are short they can buy from the other at a stipulated rate per ton?

A. Yes. [1525—690]

Q. About what is that amount?

A. I couldn't state offhand what our arrangement was for that year.

Q. Does it vary with different years?

A. It varies; it has to vary because the price of potash varies. For instance, freight will vary oftentimes two or three dollars a ton. This particular ship was a very low charter, sixteen shillings. We have paid as high as twenty-six shillings for a vessel from Hamburg.



(Testimony of Norman Watkins.)

Q. Is there anything like a sliding scale for the price or is it fixed? A. It's fixed each year.

Q. That's based on fertilizer and freight rates as you estimate then?

A. It's based on our estimate of what they're going to cost in the ensuing year.

Q. Has that agreement anything to do with the market value in Honolulu?

A. I shouldn't think so.

Q. Approximately what is the rate for this year, for the year 1909?

Mr. OLSON.—Object to it; incompetent, irrelevant, and immaterial.

The COURT.—Objection sustained.

Mr. WARREN.—I'd like to be heard.

(Argument by counsel.)

The COURT.—Objection is sustained.

Q. Has the arrangement between the two companies, Mr. Watkins, as to the price to be paid, any bearing on the market value of the fertilizer, any relation to the market value of the fertilizer in Honolulu? A. I should say not.

Q. You don't think that could be taken as fixing the value in Honolulu?

A. No, for this reason. When we make an agreement say each year, we take into consideration the probable cost of the fertilizer for that year and then agree as to what we will make that exchange price. [1526—691] That's what we term it. That is, the fertilizer companies term it the exchange price. We work together in that way. One helps the other out when they're short.

(Testimony of Norman Watkins.)

Q. Would you say that two companies acting together in unity fix the market value of Honolulu?

A. No, we're absolutely, aside from the fact that our relations are friendly, we're as far apart in business as any two concerns in town.

Q. I understand any—withdraw that. You don't recall having testified in the Lock Garve case that these two companies fix the value at Honolulu?

A. I don't recall that I stated that they fixed the value of fertilizer.

Q. That you fixed the Honolulu market?

A. I don't see how the concerns here could fix the value of fertilizer in the Honolulu market.

Q. You don't remember having so testified in the Lock Garve case?

Mr. OLSON.—Now, I object, if the Court please, on the ground that Mr. Watkins is, in effect, Mr. Warren's witness.

Mr. WARREN.—Mr. Watkins, you represent the ship, do you not, in this case?

A. I'm the only person in Honolulu, outside of the ship's attorneys, that have any interest in the "Celtic Chief" matter.

Q. And the cargo?      A. And cargo.

Q. On behalf of its owners?

A. On behalf of its owners.

Q. An agent on behalf of its owner as far as the ship is here represented?      A. Yes.

The COURT.—Objection is overruled.

Mr. WARREN.—Then you do not recall that in the Lock Garve case you testified in effect that your company and the Pacific Guano Fertilizer Co. to-

(Testimony of Norman Watkins.)

gether fixed the Honolulu market and that this is by agreement under a contract between the two companies which fixed the rate for disposal of fertilizer [1527—692] between each other? You do not recall that?

A. It's quite possible that I so testified.

Q. You would not say now, then, that your two companies do fix it?

A. That fixed an exchange price, yes.

Q. That constitutes the Honolulu market, does it not?

Mr. OLSON.—Object to it on the ground that it's calling for a legal conclusion.

Q. Withdraw the question. What demand is there in Honolulu for raw material other than your two companies?

A. There's a great demand for the material such as the Lock Garve had.

Q. I asked you what is the demand for material that the "Celtic Chief" had?

A. I stated that so far as the company I represent is concerned we sell possibly one hundred pounds a year.

Q. Very small portion? A. Small portion.

Q. The large portion, the demand is necessarily between your two companies for this material in large quantities.

Mr. OLSON.—Object to the question on the ground that it assumes that the witness has testified to that, the witness having testified that this is simply an exchange price agreed by the companies for material when the companies should run short. I submit,

(Testimony of Norman Watkins.)

therefore, that the question is not only assuming something that is not in the record, but that it is also incompetent, irrelevant, and immaterial.

A. There is a big demand for the material that the "Lock Garve" landed here. There is a big demand outside the fertilizer company. The situation is entirely different. Most every plantation in the country buys raw nitrate of soda, uses it as a fertilizer, but they do not buy potash salts or double superphosphate.

Q. Do you remember, Mr. Watkins, in the "Lock Garve" case whether or not you testified that the value of the "Lock Garve" [1528—693] cargo was based upon the contract?

A. That is true.

Q. It was not the cost?

A. It was not the cost and the reason of it was the "Lock Garve" cargo cost, or the price that we bought the "Lock Garve" cargo at, was the highest price that was ever paid for a cargo of nitrate leaving Chile.

Q. Do you remember that price?

A. The price was—

Mr. WARREN.—I withdraw that question.

Q. So, in that case that rate between the two companies did fix the market value of the "Lock Garve" cargo?

A. Well, it was, to my mind, at that time it was a fair, a fair valuation of the market value, although at the same time that that testimony was given probably nitrate could have been bought at a cheaper price than the exchange price. The "Lock Garve" cargo



(Testimony of Norman Watkins.)

was bought at a time when the market was very high. In fact, as I have testified, higher than some years previous. Higher than it has ever been to my mind. That is, as far as my mind goes.

Q. In that case would you say that the market value was more or less than the rate which was agreed upon between the two companies for that year?

Mr. OLSON.—Object to the question on the ground it is incompetent, irrelevant, and immaterial.

Q. I'll ask another question, if your Honor please. In the "Lock Garve" case, Mr. Watkins, the contract rate between the two companies in that year was based upon market conditions?

A. Well, we can't determine the market conditions of nitrate as easily as we can potash because conditions are different inasmuch as the nitrate market is changing. In fact, we have a cargo now on the way, contract made not over thirty days apart and the prices are at least three dollars a ton different. The nitrate cargo is always changing while the [1529—694] potash cargo changes very seldom.

Q. I don't believe that quite answers my question whether or not that rate was fixed for that year as they then existed.

A. As they existed, as it appeared to us. We took a chance.

Q. Well, now, as to the contract between the companies for this year, what elements are taken into consideration in fixing that rate?

Mr. OLSON.—Which, the nitrate?

Q. All the cargo of the "Celtic Chief." You say that cargo then is easier to determine?

(Testimony of Norman Watkins.)

A. It's easy to determine because they do not have the fluctuations.

Q. And you take that into consideration in fixing this rate? A. We do.

Q. Can you look up that rate and let us know this year? For the year 1909, I mean?

A. I could.

Mr. OLSON.—I've already objected to that question once before on the ground it is incompetent, irrelevant and immaterial and your Honor has ruled that it is incompetent, irrelevant, and immaterial.

The COURT.—I agree with Mr. Olson that the thing is immaterial in general, he having testified that these prices would make up the market value to some extent but you can take that up in another way. I hold you are entitled to it on the matter of credibility, but doesn't show the market value to my mind.

Mr. OLSON.—That's the point exactly.

The COURT.—I sustain that objection.

Q. Is the valuation which you have placed on the cargo of the "Celtic Chief," in so far as the fertilizer is concerned, based in any way upon market quotations at the Coast, plus cost of transportation here?

A. The valuation is given by me is the cost of the cargo.

Q. Plus transportation?

A. According to our contract which I have here.

[1530—695]

Q. Now, do you know on what that cost is based to which you have referred or how that is fixed?

A. The basic price in Germany plus the buyers' commission, freights, and insurance, possibly lighter-

(Testimony of Norman Watkins.)

age charges in Hamburg or schooner transportation from the mines to Hamburg.

Q. Is Germany the only place where you can get sulphate?

A. It's the only market for sulphate of potash.

Q. And it's all controlled by the syndicate, you say?

A. All controlled by the Potash Syndicate.

Q. In giving the figure of the cargo of the "Celtic Chief"—

The COURT.—We will take a short recess.

Recess.

Q. Mr. Watkins, you gave us as the total amount of the fertilizer cargo, 2547 tons, 13 cwt., two pounds. Are those long tons or short tons? A. Long tons.

Q. And the tons of fertilizer which you received from the Inter-Island Co., short or long tons?

A. Long tons.

Q. And the Miller Salvage Co.? A. Long tons.

Q. Now, what factors did you take into consideration in putting the amount which you deducted for damage to the cargo which was received from the Inter-Island Co. and the Miller Salvage Co.?

A. Well, those factors were established by the surveyor or the appraiser who appraised the damage to the cargo. That was the amount of the claim that we presented and it was allowed.

Q. And that's the appraisement and not your own figures?

A. Those are taken from the appraiser's letter to the insurance people.

Q. That was the amount you claimed, however?



(Testimony of Norman Watkins.)

A. Well, we couldn't claim anything we didn't know.

Q. You asked to have it appraised?

A. We asked to have it appraised and we saw the amount that [1531—696] was put by the appraiser and we saw the amount after it was put by the appraiser, that is the amount we claimed for.

Q. The fact that the different kinds of fertilizer in this case got mixed did not destroy their value?

A. The value was there just the same.

Q. You mix them any way in your business?

A. Oh, they gave us a very peculiar mixture.

Q. Not such as are called for by any of the requisitions?     A. Far from it.

Q. Can you give us the items of freight money and insurance separately?     A. No, I cannot.

Q. Taking the whole sum paid the ship on the fertilizer for freight, that was \$9,723.38, was it?

A. \$9,725.38.

Q. Twenty-five?     A. Twenty-five.

Q. And that is what you call freight money?

A. Well, that was the freight on the cargo; that is, on the fertilizer.

Q. And that was paid to the ship?

A. That was paid to the ship.

Q. Any of that covered by bills for expenses, ship's expenses? How was it paid?

A. Well, I'd like to withdraw my answer in that that was not paid to the ship. That was the amount that the ship earned on the fertilizer. As a matter of fact, the vessel had a very small cash balance due her when she left.



(Testimony of Norman Watkins.)

Q. To whom was it paid?

Mr. OLSON.—I object on the ground it is incompetent, irrelevant, and immaterial. It makes no difference to whom it was paid.

Mr. WARREN.—I don't care about the items. What I *was* to establish is whether or not that whole amount was not, in one way or another, the ship got credit for it either as payment for freight money or covered by bills proved by the [1532—697] ship's master.

A. The ship was \$9,762.64 of which the ship earned on the fertilizer she brought, \$9,725.38.

Q. The ship got credit for that?

A. That was credited to the ship, yes.

Q. That would be the difference between the amount, the total amount, \$9,762.64 and \$9,725.38, that would be for the remaining cargo?

A. Yes, on that brandy and whiskey and so forth.

Q. That would be the freight money for the remaining cargo. Have you yet received the general average bond which you sent for?

A. No, I understood it to be here.

Q. That's the only point I want to ask, to have the witness testify as to the value which he says he can do when he gets the general average bond so I might rest until that comes.

Cross-examination on Behalf of Libelee.

Mr. OLSON.—Q. Mr. Watkins, you have referred to the cargo of the "Lock Garve" in the course of the cross-examination by Mr. Warren. What did the cargo of the "Lock Garve" consist of?

A. Nitrate of soda.

(Testimony of Norman Watkins.)

Q. Was there any nitrate of soda on the "Celtic Chief"? A. None whatever.

Q. And the cargoes were entirely different except that they were fertilizer ingredients?

A. Absolutely different as far as material is concerned.

Q. Now, then, Mr. Watkins, you have testified that in the course of the year you are fairly certain that you do not sell directly to any, to customers, raw materials of the kind that were in the cargo of the "Celtic Chief" in a quantity exceeding a hundred tons.

A. No; our books would not show *an avery* as much as that.

Q. And it would be made up, would it, of a single pound here [1533—698] and there or a number of pounds?

A. It would be made up of several pounds. Perhaps twenty or thirty pounds, something like that.

Q. You are familiar with the general fertilizer and fertilizer ingredients used in Honolulu and in the Territory? A. I am.

Q. Could you state whether or not that would be a fair average of the amount of the raw material sold by the other fertilizer company?

Mr. WARREN.—I object to that as calling for a conclusion of this witness as to what the other company does.

Q. Knowing what you do of fertilizer?

A. Knowing what I do of the fertilizer business, I should say that the sales of that material by the other company would not exceed ours.

(Testimony of Norman Watkins.)

Q. Your statement of the damage to the fertilizer cargo as being the sum of \$1441.00, does that represent the damage to the entire cargo both that in the hold of the vessel after she was salvaged and what had been lightered by the Miller Salvage Co. and the Inter-Island? That's the entire damage to the whole cargo? A. Yes.

Q. The whole fertilizer cargo. There was no damage to the other cargo?

A. There were no claims made.

Mr. OLSON.—I think that's all. That's all, Mr. Watkins.

**[Testimony of Moses Kakai Ekau, for Libelant.]**

Direct examination of MOSES KAKAI EKAU, a witness called on behalf of libelant Miller Salvage Co., and sworn.

Mr. WEAVER.—Q. What is your name?

A. Moses Kakai Ekau.

Q. Did you see the "Celtic Chief" on the reef in Honolulu in 1909? A. Yes, sir.

Q. Do you remember what day of the week it was when you saw her? [1534—699]

A. Maybe it was on Monday. I don't know what date.

Q. You know the Miller Salvage Co.?

A. Yes, sir.

Q. Were you employed by the Miller Salvage Co. in December, 1909? A. Yes, sir.

Q. At the time this—were you employed at the time the "Celtic Chief" went on the reef by them?

A. Yes, sir.

(Testimony of Moses Kakai Ekau.)

Q. What were you doing on Monday?

A. Unloading cargo from the vessel on the schooner "Concord."

Q. From the "Celtic Chief" to the schooner "Concord"? A. Yes.

Q. And what were you doing in that matter?

A. What's that?

Q. What were you doing then? Unloading cargo? What kind of work were you doing?

A. We throwing the cargo from the schooner on the vessel.

Q. What were you doing yourself?

A. I was working.

Q. In the hole or what part? A. On deck.

Q. How long were you working there, then? First, who was your boss, if you had one?

A. Dick Clarke.

Q. And how long did you work there that morning?

A. I worked the whole day.

Q. Monday during daylight. Did you work after dark? A. Yes.

Q. How long? To what time?

A. They knock us off. Miller says, "No work no more."

Q. Where did you go?

A. We went on board the steamer.

Q. What? "The Concord"? A. Yes.

Q. What did you do then?

A. We wait till what Miller tell, give us—

[1535—700]

Q. After you quit work, what did you do?



(Testimony of Moses Kakai Ekau.)

A. We went ashore that morning.

Q. Did you work after that? A. Yes.

Q. What work?

A. We cleared the saltpeter laying on the deck of the schooner.

Q. That was what day of the week?

A. That was Monday, Monday night.

Q. Monday night? A. Yes.

Q. What day did you go to work?

A. No, this was Tuesday morning.

Q. What did you do before you went to work that morning clearing away? Did you have any rest that night? A. Yes, we rest couple of hours.

Q. Where? A. On the steamer.

Q. After you were clearing away this fertilizer or stuff what did you do next that day? A. Tuesday.

Q. Yes, Tuesday. Did you work at that all day?

A. I work Tuesday all day.

Q. Worked at clearing away the fertilizer?

A. Yes, on "Kaimiloa."

Q. What else did you do? Anything else that day.

A. I worked the saltpeter.

Q. Tell us what you did all day Tuesday and Tuesday night.

A. We load the two, we load the "Kaimiloa" too and we went ashore.

Q. And what did you do when you went ashore?

A. Unload the cargo from the schooner.

Q. Unload the cargo from the schooner on to the shore? A. On the dock, yes.

Q. What dock? A. Hackfeld.

Q. Then what did you do?

(Testimony of Moses Kakai Ekau.)

A. We had breakfast that morning and start again at seven o'clock and that afternoon we take the gear on the boat. [1536—701]

Q. What day of the week was that—Tuesday or Monday or Wednesday?

A. This is on Wednesday.

Q. Took the gear on board when?

A. On Wednesday we took the gear on board the "Makee."

Q. Then what did you do? How many days had you been working on the fertilizer before you took the cargo, tok this anchor on to the "James Makee"?

A. Two days.

Q. What had you—what did you do when you got the anchor on board?

A. We went out that evening, went out to set the anchor down.

Q. Went out that evening to set the anchor down?

A. Yes.

Q. What did you do that evening or what was done when you were there?

A. We never done anything that evening. Only we try to run a surf line aboard the "Makee" to the stern of that vessel.

Q. Did you do it? A. Yes, we do it.

Q. Ran a surf line? A. Run a surf line.

Q. Then what was done?

Q. And the "Mokolii" come back from the stern of that vessel to "James Makee" where we was anchored and he told the Captain Miller—

Q. Don't say what was said but just say what you saw. What you see—the "Kaimiloa" came back?

(Testimony of Moses Kakai Ekau.)

A. Come and tell Captain Miller.

Q. Don't say what he said. What did you see? What was done? Came back? What did she do? What was done? Was anything done about the surf line?

A. They don't want to put the surf line on the boat.

Q. Don't put on the boat?

A. No, they don't allow it.

Q. Where was the "James Makee"? What did the "James Makee" do that night?

A. We don't do anything. We anchor right there until in the morning. [1537—702]

Q. And what did you do that night?

A. Oh, we take a rest that night.

Q. What did you do next day?

A. Next day we went between the "Mikahala" and the two boats to set the anchor.

Q. How far—where was that with regard to the "Celtic Chief," what direction?

A. On the Waikiki side of the stern.

Q. I can't remember, what direction is that stern?

A. Yes, on the Waikiki of the stern of the vessel, between the two vessels.

Q. On the Waikiki side of the "Celtic Chief" and the stern of it? A. Yes.

Q. How far away from the "Celtic Chief" were you when you went there?

A. As far as from here, Nuuanu, what I know.

Q. About from here to Nuuanu? What did you do when you got that position?

A. We drop the anchor right there and we take

(Testimony of Moses Kakai Ekau.)

our line to the stern of the vessel.

Q. What anchor right there do you mean?

A. You mean what anchor we dropped down?

Q. Yes.

A. That big anchor, that anchor we used to pull with.

Q. Can you say more particularly what line from the ship was that anchor when it was dropped? What direction was it from the direction of the "Celtic Chief"? You know the "Celtic Chief" has a bow and a stern and the line drawn down the keel gives the direction of the boat. Where was the Miller Salvage anchor from that line?

A. The boat was laying ashore this way straight in and the line from the stern of that vessel is direction that way, between the towboat and the "Mikahala."

Q. I'm not asking—

Mr. OLSON.—I'd like to have the Reporter note of record that [1538—703] the witness indicates that the anchor-line was on an angle on the starboard quarter of the "Celtic Chief."

Mr. WEAVER.—I'd better find out what he means. You were on the "James Makee" when she laid down that anchor, were you? A. Yes.

Q. Now, when you looked from the "James Makee" at the "Celtic Chief," tell me where the "James Makee" was from a line drawn right down the whole length of the "Celtic Chief." Suppose you take a straight line, fore and aft on the "Celtic Chief," where were you on that line?

Mr. OLSON.—Object to it as leading.

Mr. WEAVER.—I'll change that. Suppose you



(Testimony of Moses Kakai Ekau.)

were standing on the "James Makee," you were standing there, where were you from a line drawn down the "Celtic Chief" and continued way out?

A. I can't understand.

Q. You tell me where the "James Makee" was from the "Celtic Chief" then, what direction?

A. On the Waikiki side of the stern.

Q. On the Waikiki side? How much that way?

A. Ain't very far from the straight line.

Q. Not very far from the straight line. Well, when you dropped the anchor what did you do next?

A. We sent our line on the vessel.

Q. Yes.

A. And we divided half to go on the vessel to right our gears up and half on board the "Makee."

Q. What happened to you?

A. I went on board to rig the gear with Tom Mason.

Q. You went to rig the gear with Tom Mason?

A. Yes.

Q. After you were rigging the gear with Tom Mason, did you do anything else but that?

A. We rigged the gear all day, the whole afternoon, and we heave it, we heave it with the capstan to take our slacks in. That's all we [1539—704] do that afternoon.

Q. What time did you begin heaving? What time of day?

A. Sometime in the afternoon. I don't know what time.

Q. What was your boss?

A. Dick—Dick Clarke.

(Testimony of Moses Kakai Ekau.)

Q. Dick Clarke? A. Yes, sir.

Q. You began heaving; when you began heaving what were you doing?

A. Sometimes I walk up the capstan, sometimes I watch the block and tackle on deck.

Q. And what time of day was it when you began heaving with the capstan?

Mr. STANLEY.—Already testified to; asked and answered, if the Court please.

Mr. WEAVER.—With regard to daylight?

A. It was daylight.

Q. How long before dark?

A. I don't know that; can't tell how long.

Q. Were you already heaving? What were you doing when they began heaving? Tell what you did after that, what your work was.

A. While was heaving Dick tell me to watch the tackle and he take off the launch and we don't have no dinner and so I stayed on board to heave the slack. Sometimes I went forward on the forecastle to help heave the capstan; sometimes I went look the tackle how or tackles are. That's all what I do before dark.

Q. How long were you engaged in this job, in this work?

A. From the time we start in to work Monday till the boat came off the reef.

Q. You were speaking of working on the tackle and capstan. How long did you keep that up, you yourself?

A. Six o'clock I went and have my lunch.

Q. After you had your lunch, what did you do?

A. We all come back on the vessel.

(Testimony of Moses Kakai Ekau.)

Q. On the "Celtic Chief"? A. Yes.

Q. What did you do then?

A. We heaving and I do the [1540—705] same work as I done the first time.

Q. And how long did that keep up? How long did you continue this work?

A. I got no watch that time. I don't know how long.

Q. Well, what happened next after you were working here? Did anything happen at all. You are not working there yet; what did you do?

A. What?

Q. You are not working there yet? Tell us what you did after you started with this job.

A. We keep on heaving, heaving until we heard a sound. We heard a sound like a bumping down, the ship was bumping down the rocks, the bottom.

Mr. WEAVER.—Ask that the record show the witness indicates his hand this way, hammering down.

The COURT.—I think that better not go in.

Q. What was the motion—this sound you heard, what was it? Tell us about it. What was this sound you described?

A. What I know is when the waves come up you know the ship come down while we was heaving. I think it's the ship trying to move out, coming out. It sound the same way.

Q. Describe the sound. A. Kind of a drag.

Q. While you were heaving you heard a sound. Can you tell what the sound was? Give an idea. You have only said there was a sound so far. Can

(Testimony of Moses Kakai Ekau.)

you tell anything about this sound, kind of sound it was? A. I don't understand.

Q. Can you tell what was the feeling of this to you, what was the feeling of this motion to you that you have described by up and down?

A. Feels like the ship was moving. That's what I feel. Like dragging.

Q. You thought she was dragging? How long did that motion continue from the time she started?

A. Oh, ain't very long. Kind of a drag, then stop for a while. [1541—706]

Q. How long did that state of things continue? How long did that keep up? A. Ain't very long.

Q. Can you give an idea what time—five minutes, ten minutes, half a minute?

A. Ain't much as five minutes.

Q. Not as much as five minutes? A. No.

Q. Was it one minute?

A. Might be between one.

Q. Was it over a minute?

A. Yes, over a minute, but ain't more than five minute.

Q. And what was the—at this time, did you notice the sea, how the sea was acting?

A. Kind of swell in it. I don't know anything.

Q. That's —

A. Kind of swell while the tide was coming up.

Q. How big a swell was it, do you know?

A. I don't know how big.

Q. At this time you heard this sound what was the condition of the Miller tackles—that is, the tackles you were looking at? A. Was tight.



(Testimony of Moses Kakai Ekau.)

Q. At the time you heard this sound and felt this motion, did you or did you not, notice the tackles yourself?

A. Yes, I did. I see same time I heard that sound the tackle was kind of slack.

Q. Well, what happened to them then?

A. Keep them coming on little faster then too.

Q. Who kept them coming on?

A. The capstan, the men on the capstan.

Q. Tell us more clearly what you mean by that, the men on the capstan kept them coming on. What did you mean?

A. I mean when we heard, when I heard that sound we jerk the line and see the slack, the tackles coming on, and I see the men coming little faster [1542—707] than what they done before while they working before because they was all going slow and stop—can't heave taut every time.

Q. They went faster. What effect, if any, had this on the tackle and the hawser when these men on the capstan went faster? A. What?

Q. What did that do to the hawser when the men went faster at the capstan?

A. That hawse line of ours coming in, coming in the vessel.

Q. The hawser came in? Was it after these men hastened their work? Was the hawser slack or taut?

A. At first the hawse line was taut.

Q. At first?

A. At first, and when this drag come in then the hawse line come in slack.

Q. Then what was after that?

(Testimony of Moses Kakai Ekau.)

A. After that, while I was watching that rope, we keep on heaving but we done the same as we did before, ain't going very far—very fast, I mean.

Q. When these men were hurrying up on the capstan, what was the condition of that hawser and the tackles after that? You said they were slack?

A. Yes, we take in the slack.

Q. Took in the slack. And after you took in the slack, what did the hawser and tackle look like?

A. Taut.

Q. What did you do after that? What did the men do after they tautened it up?

A. They watched the rope.

Q. Did they do any work?

A. No, we watched the rope.

Q. Did the men at the capstan do any work?

A. When we take in the slack?

Q. After the slack came in.

A. We holding the bars.

Q. Were they working? A. They working.

Q. What were they doing?

Mr. OLSON.—I submit this is asked and answered several times. [1543—708]

Q. When you said that those men were standing at the capstan holding the bars, what did you mean by that?

A. I mean while they was standing over there they were holding the bar and waiting for the order from Tom Mason.

Q. Were they doing anything else but waiting?

A. Just waiting; that's all.

Q. Was there any work done by any of them, if

(Testimony of Moses Kakai Ekau.)

you know—where *were at* that time?

A. I was on deck.

Q. Where was this capstan?

A. On the forecastle.

Q. Were you there?

A. No, I was on the main hatch.

Q. Were you, at any time, up there during this time that you speak of?     A. Yes.

Q. You were up there?

A. Yes, part of the time.

Q. Then, while you were up there, did you or did you not see any of these men doing any work?

A. I did see them do work.

Q. What were they doing?

A. At first I see them working on the capstan, at last we take that I said. At first they stand at the capstan and hold the bar get ready for another order come in.

Q. Can you say what you mean when you say the slack come in?

Mr. OLSON.—Object to that as calling for a conclusion of the witness.

Q. What was the—was there any motion of the vessel at that time? Any motion of this “Celtic Chief” at the time they were waiting?

A. While we was waiting?

Q. While you were waiting for Tom Mason to give an order was there any motion of the vessel at that time?     A. No, not that time.

Q. Was there any motion of the vessel before this, at the time you found the tackles loose and began heaving in before this?     A. Before we heave?

(Testimony of Moses Kakai Ekau.)

Q. You say you saw the tackles slack up and you began heaving [1544—709] quicker, was there any motion? A. Was there any motion?

Q. You spoke of the pounding of this vessel up and down. How long did that continue?

Mr. OLSON.—I submit that has been asked and answered.

Q. Was there any motion of that vessel after this special time you speak of? You remember you spoke of a bumping motion?

A. After that I don't know about how long, but after that time, Tom Mason call us, called me to call the men working on the capstan to heave it easy after that time, after those fellow was waiting for the order and Tom Mason call me to call these men to heave it in easy and so they keep heaving the capstan.

Mr. WEAVER.—Wait a minute.

Mr. OLSON.—Let him go on.

Mr. WEAVER.—Go on.

A. And while we was heaving easy the capstan, it ain't very long, I don't know how many hours, about a couple hours, I think, I think about an hour we hear a kind of a hit, we feel a kind of a hit and Tom Mason told me to tell them boys to heave it little faster, so we did, and the ship kind of jump about at first. First time that make that bumping, first slack line, we keep on heaving every time on this capstan, and the second jump that's the time I heard a officer from the German boat. I *don't* what boat. They calling to two sailors. They was standing with a signal light. I don't know what the sky-rocket to give the signal. It was on the second jump and the



(Testimony of Moses Kakai Ekau.)

signal was shot and after that our block *block* fall down and everything slack and the boys was holler, "There the ship goes out," and the ship goes out and I was looking the blocks. I don't pay attention to looking on the side and Miller was calling us to cut the line.

The COURT.—May I ask you, when these men were [1545—710] standing with the hands on the capstan, what was their position?

A. Was tending the capstan.

Q. Were they holding it here or standing there?

A. They keeping that slack because the capstan always jump back, always hauling up.

Recess.

Mr. WEAVER.—When you said, you said that the men were standing at the capstan holding on to these bars prevented the capstan coming back?

Mr. OLSON.—I object to the question on the ground it assumes something not in evidence.

The COURT.—Objection sustained.

Q. What do you mean by keeping that slack always holding up? A. What do I mean by it?

Q. Yes.

A. They keep that so it help to hold the slack. You know, instead of the capstan coming back all the time you see it's keeping holding up the slack.

Q. Do you know what condition was the rope in that time, leading to the anchor? Do you understand what I mean, what I say? What condition was this hawser or rope to the anchor at that time?

A. I can't understand what you mean.

Q. You say that you were keeping the slack up;

(Testimony of Moses Kakai Ekau.)

what do you mean by that?

A. Tightening the rope all the time.

Q. When you refer to rope, what rope do you mean? A. That hawse line.

Q. Going to what place?

A. Going down to the stern.

Q. Going down to the anchor?

A. Yes, going down the anchor.

Q. You said they were waiting for the order of Tom Mason; did he give any order after that or not?

A. Yes, he called us to heave. [1546—711]

Q. How long did they continue that way before the order came?

A. I don't know how long. It ain't very long.

Q. When he gave the order, heave in easy, what was done?

A. The boys keep heaving the capstan easy.

Q. How do you heave the capstan?

A. They push the bar.

Q. Pushed the bar. What did they do?

A. Well, they walk around.

Q. How long did this go on? How long did they work that way?

A. They worked a little bit at first; stop and then start again and stop.

Q. How long did that continue before there was any change in the way they worked?

A. There was no change to the boat which I saw.

Q. If there was no change to the boat, how long was it after this order up to the time the boat again moved?

A. I don't know how long; it's quite a long time.

(Testimony of Moses Kakai Ekau.)

Q. Quite a long time? A. Yes.

Q. All this time were the boys heaving just like they started?

Mr. OLSON.—Object to the question on the ground it is leading.

Q. You say that the boys were heaving, say, now, between the time they started to heave and the time the boat came off. Was there any difference in the way they worked? If so, what?

A. I heard before the boat coming out, I heard them hollering.

Q. What were they saying?

A. Hollering, “She come off! She come off!” in native.

Q. What were they doing?

A. They run around and I see the rope come in slack and the block drop down with the hawse line.

Q. What tackle?

A. The tackle we hook in the shackle in that big hawse line.

Q. That’s the main tackle?

A. Main tackle; yes. [1547—712]

Q. Could you see the hawse line itself?

A. Hawse line was shackled to this block. I could see it.

Q. What was the condition of that with regard to the sea?

A. When the boys start to holler, the hawse line was slack and the block dropped right down.

Q. Now, you’ve told us about a noise or feeling about the vessel; when was that noise or that feeling with regard to the time the boys began to shout?

(Testimony of Moses Kakai Ekau.)

A. When the boys start to shout and the same time we feel the boat dragging down the bottom.

Q. Did you see any signals on her about that time?

A. I see first red light that was on the mainmast.

Q. Any other signals about that time?

A. Well, they had firecracker.

Q. Firecracker?      A. Yes.

Q. Describe it. What kind of signal was it? You say firecracker. In your own words, tell us what it was.

Mr. OLSON.—I object to the question, if the Court please, on the ground it is cumulative.

Q. Do you mean the fireworks, the rocket signals?

A. Yes.

Q. Now, which came first in point of time, the rocket signals or this sound of the moving of the vessel off?

A. The sound first. The sound moving the vessel first before they fire that signal.

Q. Now, you spoke of the feeling. Did that come first or the rockets?

A. That one come first before they fired that rocket.

Q. Do you know how long before?

A. It ain't very long. I got no time to look how long.

Q. Was it a long time or short time?

A. Short time.

Q. Minute or ten minutes or half an hour?

A. Not a half an hour. [1548—713]

Q. Was it more or less than a minute?

A. It's more than a minute because she was sounding down the bottom.



(Testimony of Moses Kakai Ekau.)

Q. Was it more or less than five minutes, say?

A. Might be less than five minutes.

Q. Was it more than two minutes?

A. I don't know about that time.

Mr. OLSON.—I object to the question on the ground it is leading.

Q. Did you—you referred to the red light, the second red light going up.

Mr. OLSON.—I object to the question on the ground it assumes something the witness has not testified to. He hasn't said anything about the second red light.

Mr. WARREN.—Same objection.

Q. You have spoken of the red light on the mainmast. Was there any other signals than these rockets you spoke of? A. There is another light.

Q. What was it? A. It was a red light.

Q. What was done about it? What about it?

A. They hoist it up.

Q. Right near the other light or where?

A. The same place where the other light was.

Q. On the main mast. And was this second red light hoisted up before or after the time you felt this motion of the boat coming off?

A. The ship was coming off that time.

Q. Coming on, did you say?

A. Going off of the reef.

Q. You spoke of the men on the capstan running around quickly. What happened then, after they were yelling as you say, "The ship's off! The ship's off!" and the boys hurrying around this capstan? What did they do next?

(Testimony of Moses Kakai Ekau.)

A. They leave the capstan, throw the rope off the capstan [1549—714] and they run on deck to help us. That time we was unhooking the shackles.

Q. What were you doing then? What were you doing that time?

A. We was working the same time.

Q. Where was the "Mikahala" at that time?

A. It was on the Waikiki side of the vessel.

Q. Was she or was she not attached to the "Celtic Chief"? Was there any connection between her and the "Celtic Chief" at that time? Was there any line between her and the "Celtic Chief" at that time?

A. When the boat had the line, all slack.

Q. Was there a line on or not?

A. She had a line on board.

Q. Before this "Celtic Chief" began to move as you speak of, the last time, did you or did you not notice the condition of this line to the "Mikahala"?

A. It was all slack.

Q. It was all slack?

A. The line was lying in the water.

Q. How slack? Was there a belly on it or no belly on it?

A. She was pulling. Sometime the line come up straight, sometime come right in the water.

Q. Sometime slack, sometime out of the water, sometime in the water? A. Sometime in the water.

Q. Did you see that line just before the vessel began to move off, the "Celtic Chief" began to move off seaward?

A. I see that line every time when we was pulling the slack while the boat was on the reef.

(Testimony of Moses Kakai Ekau.)

Q. Just that time before the "Celtic Chief" began to move off, did you notice that line on the "Mikahala"?

A. The line was slack; the same as the line wasn't on at all.

Q. Do you know where the line came aboard the "Celtic Chief"? Did you notice where the line came aboard the "Celtic Chief"?

A. What part of the ship?

Q. Yes.

A. On the right-hand side of the ship. [1550—715]

Q. Could you see from where you were whether or not there was any strain on that line there? Do you know what I mean by strain? Any pull on the line.

A. I seen like I told before, sometime slack, sometime taut.

Q. Could you see from where you were whether or not the "Mikahala" was doing anything or not?

A. I can't see because very far.

Q. Too dark?

A. Oh, too far. When I see just the slack of the line in the water and come up from the water. That's all I seen.

Q. Now, you said the "Celtic Chief" moved off a little sometime before this last time you spoke of. How do you know she moved?

A. By the way we was taking the slack in.

Q. Any other way?

A. And the sound we heard.

Q. Did you use any other means to find out whether

(Testimony of Moses Kakai Ekau.)

she was coming off or going on?

A. Yes, I had a sign, them lights at the harbor here.

Q. Sign or sight?

A. Yes, sir, sight. I sight two lights, one red and the other white. First time those two lights was straight and I measure, I sight that from the high rigging that second mast to the main mast; that is, before the main hatch, I mean the after hatch where I was standing. And that place was straight to these two light. I could see that two light. Before that red light is straight with the other light. After that, when we heard that sound, the red light was coming in all the time. You see, we had that sight, that's how I find out the ship was moving. By that sound I heard.

Q. That's the first time. After that, did you take any other sight?

A. That's only the sight I had, only the sight.

Q. That's the first time? A. First time; yes.

Q. Now then, did you take any sights after that then? [1551—716] A. No.

Q. The second time?

A. No, I didn't take no sights.

Q. What happened after the "Celtic Chief" came off? Do you know what was done with the "Celtic Chief"?

Mr. OLSON.—I submit, if the Court please, it is cumulative and object on that ground.

Mr. WARREN.—I'd like to say, your Honor, that that is an important part of the case, what happened when the ship did come off, and as far as being



(Testimony of Moses Kakai Ekau.)

cumulative is concerned, I certainly—

The COURT.—The mere fact—

Q. What was done with the “Celtic Chief” immediately after she came off, if you know?

A. She was pulling out.

Q. She was pulling out? What do you mean?

A. She was going out when we come off from the reef.

Q. What took her out, if anything?

Mr. OLSON.—Now, I object to that unless it appears from the question what counsel is referring to.

Q. After the “Celtic Chief” was floating, what took her away, if anything?

A. The boat, that “Arcona.”

Q. Do you know the “Mikahala”?

A. I can’t see the “Mikahala” no more. The time the boat gone out his line was cut.

Q. Whose line was cut? A. “Mikahala.”

Q. Well, can you say whether or not the “Mikahala” was doing any towing on that “Celtic Chief” then?

Mr. WARREN.—I object to that question unless it confined to that time.

Q. At that time and place.

Mr. OLSON.—I submit the question is incompetent, irrelevant, and immaterial and has no tendency to prove any of the issues in the case.

Q. At the time and place when the “Celtic Chief” was coming [1552—717] off the reef into deep water.

The COURT.—Answer the question.

Mr. WEAVER.—Did you hear the question?

(Testimony of Moses Kakai Ekau.)

A. Yes. When that line was cut he didn't do nothing, can't see him no more. He was away, not pulling.

Q. Before the line was cut what was the "Mikahala" doing, if anything, about the "Celtic Chief"?

A. Before the line cut?

Q. Yes.

A. Before the line cut what I told you before. The line was sometimes slack, sometime is taut, and when the boat come out well, everything all loose.

Q. Did you notice, at any time, whether or not the "Arcona" was doing any pulling before you felt this movement of the "Celtic Chief"?

A. I can't—

Mr. OLSON.—I object to the question. It is lead. What was the answer?

A. I can't see that line.

Mr. OLSON.—I withdraw my objection.

Mr. WEAVER.—That's all. Your witness.

Cross-examination of MOSES KEKAI EKAU on  
Behalf of Libellee.

Mr. OLSON.—Q. Mr. Kekai Ekau, on Tuesday night you came out on the "James Makee" from the Hackfeld wharf. Did you have the anchor on board the "James Makee"?

A. Tuesday night?

Q. Yes, the day before she came off the reef, before the "Celtic Chief" came off the reef?

A. Yes; I came with the anchor on the "James Makee."

Q. That was the night before the "Celtic Chief" came off the reef? A. Yes.

(Testimony of Moses Kakai Ekau.)

Q. And when you came out there did Captain Miller drop that anchor? A. That same night?

Q. Yes, Tuesday night? A. No, sir.

Q. Kept it on the "James Makee," did he?  
[1553—718]

A. He was on the "James Makee" but he didn't drop that anchor that night.

Q. He kept the big anchor on the "James Makee" that night, did he?

A. Yes, he kept the big anchor on the "Makee."

Q. It was lying over the main hatch of the "James Makee," was it not? A. Yes.

Q. He kept it there all that night?

A. All that night.

Q. Didn't try to drop it that night?

A. No, he didn't try.

Q. But he did try to get a surf line on the "Celtic Chief"?

A. He tried to get a line on the stern of that vessel.

Q. What did he want to do that for? Withdraw the question. Do you know why Captain Miller wanted to put that surf line aboard the "Celtic Chief" that night?

A. He want to send that big hawse line on board to let us work that night.

Q. The big anchor line? A. Yes.

Q. So as to let you work that night?

A. Let us work that night.

Q. Work what?

A. Work that anchor. Drop that anchor to put our gears on board.

(Testimony of Moses Kakai Ekau.)

Q. Did you get that surf line on the "Celtic Chief" that night?

A. They sent the surf line but the Captain of that boat would not allow to put a line on the boat.

Q. Do you know why?     A. I don't know why.

Q. You have no opinion?   Have you no idea?

A. I only remember when the Captain came back and told to him, "The Captain on the 'Celtic Chief' don't allow to fetch our line on board."

Q. And so you didn't put it on that night?

A. No. [1554—719]

Q. You had no difficulty in getting that surf line aboard the "Celtic Chief" that night?

A. No *pilikia*.

Q. You could have done it?

A. We could put by our towboat.

Q. You could have put it on the "Celtic Chief" without any trouble?     A. Sure, we could do it.

Q. And the weather was fine?

A. The weather not very fine but we could do the work.

Q. No sea running?     A. No.

Q. Fine weather?     A. Fine weather.

Q. And you could have gotten that line on board the "Celtic Chief" without any trouble at all?

A. Yes.

Q. Just where did the "Makee"—was the "Makee" lying?

A. Little bit on the Waikiki side on the straight line to the stern.

Q. It was quite a bit to the Waikiki side?

A. Yes, little further out.



(Testimony of Moses Kakai Ekau.)

Q. Do you mean Waikiki or Ewa? A. Ewa.

Q. It was on the port side?

A. I don't know port or not.

Q. It was on the left-hand side of the ship, wasn't it? A. Yes.

Q. Quite a ways off in the distance? A. Yes.

Q. Don't you know, as a matter of fact, Mr. Kekai Ekau, that Captain Miller did drop that big anchor that night way off on the port side and then tried to run a surf line on the "Celtic Chief"?

A. Let me listen to the question again.

Q. Don't you know that it's true and a matter of fact, that Captain Miller dropped the big anchor way off on the port side, on the Ewa side of the "Celtic Chief," Tuesday night, and then tried to get this surf line on the "Celtic Chief." Isn't that the fact? Can't you answer the question? [1555—720]

A. I know he went to put that surf line on the boat on the stern of that and got our hawse line ready. Then he knows where he want to put the anchor straight from the stern.

Q. Don't you know that the next morning there was about an hour and a half spent in getting the big anchor on the "James Makee" again? A. Yes.

Q. So the big anchor was dropped Tuesday night?

A. Ain't dropped Tuesday night.

Q. You sure of that? A. Sure of it.

Q. Isn't it true that the "Makee" moved next morning from this place? A. Yes.

Q. Clear over astern of the "Celtic Chief"?

A. Yes.

Q. She made a big change in her position, didn't

(Testimony of Moses Kakai Ekau.)

she, next morning? A. Yes.

Q. And dropped the anchor astern of the "Celtic Chief"? A. Yes.

Q. Didn't you go aboard the "Celtic Chief" with the surf line Wednesday morning?

A. Not me; the other fellow,

Q. Then you went aboard the "Celtic Chief"?

A. As soon as we got our orders.

Q. And you helped to heave the tackle on?

A. Yes, sir.

Q. Are you sure that during the time you were aboard the "Celtic Chief" that this big anchor wasn't out of the water? A. I can't say that.

Q. That big anchor might have been dropped sometime the night before when you didn't notice it? Tuesday night?

A. Can't understand the question.

Q. Isn't it possible that that big anchor might have been dropped?

A. The big anchor was on board the boat Tuesday night.

Q. You are sure it stayed there all night?

A. All night. [1556—721]

Q. Did you have any difficulty getting the line aboard the "Celtic Chief" next morning—Wednesday morning? Did you have any trouble getting the line on board? A. No trouble at all.

Q. Did the Captain of the ship object to taking it on board that morning? A. I didn't hear.

Q. While you were there aboard the "Celtic Chief"?

A. I didn't hear anything about it because he was with Miller.